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LA FAYETTE

**His Visit to New Orleans, April, 1825, and the Centennial
Celebration Thereof, April, 1925.**

Compiled by James A. Renshaw

NOTE. In the first portion of this paper I have written the name La Fayette and in the second Lafayette, conforming to the usage of the time, though I read in a newspaper published in 1825 that the General always signed Lafayette.

In 1825 La Fayette, in his tour of the United States, visited for the first time New Orleans and the State of Louisiana.

Already then the city had outgrown the limits of the Vieux Carré, and the town was stretching out on all three of its land sides, particularly above Canal Street. Its population was placed at about 40,000, and though many Americans had come here to settle since the transfer from France, its residents were still mainly of the descendants of the old French families. With keen interest did they look forward to La Fayette's coming, not only to welcome him as one who had done so much for America during the Revolutionary War, but also with that lively feeling of having among them so distinguished a guest from their own France.

Any one who has had occasion to search old newspaper files for details of any happening has been doubtless surprised that so little space was given to occurrences, the particulars of which today would be most welcome. As regards La Fayette's visit in 1825 the papers furnished scant information, but there were other publications that were more generous in this regard, particularly a pamphlet written by "A Citizen of New Orleans" and issued in 1825 from the press of M. Cruzat, State Printer. The pamphlet gives a sketch of La Fayette in pleasing terms, and then details

apparently all that was done from the initial efforts in 1824 to ask his presence here, on through the ceremonies of the visit itself, and La Fayette's departure for other points. The pamphlet was printed, that it might be sent to La Fayette as a record of his stay here.*

When, after long efforts of the American Government to induce La Fayette to once again cross the ocean and to visit the scenes of his glorious deeds, it became known in New Orleans he had announced his intention of so doing, such lively interest was awakened among the citizens that a meeting of the people was called by the Conseil de Ville to determine the wishes of the public.

At this meeting Mr. Davezac was the main speaker. His address was an able one; detailing in glowing words the service that La Fayette had rendered this country, and so enthused his hearers that they adopted with unanimous voice the resolutions he offered at the close calling upon the city authorities to take immediate action.

Accordingly the city council under date of August 14th, 1824, passed resolutions authorizing and requesting the Mayor to extend the proper invitation for La Fayette to visit New Orleans, and at the same time they elected as a Committee of Arrangements to take all necessary steps, Messrs. Cox, Davezac and Girod, the latter being replaced some while after by Mr. Christy.

Pursuant to these resolutions the following letter (which I have translated from the French version in the little pamphlet referred to) was dispatched:

Mayoralty of New Orleans, 24th August, 1824.

General,

Elevated, by your own efforts, to the height of human greatness; having reached that position of glory, free of common ambition, and to which so many great men have vainly aspired; the object of esteem and respect of one continent; of the love and gratitude of another; you are reaping in your passing days that which in your youth you had sown, and that which in your mature age you have not ceased to cultivate, the delicious fruits of those generous principles, pure and philanthropic, which were yours as a result of a liberality of nature, but which an unalterable fidelity, and inflexible firmness, and unconquerable courage have saved from political tempests and revolutionary ruins.

From the eminence where your sacrifices for humanity's sake have placed you, and amid the enthusiastic acclamations of our

*This pamphlet is in the library of the Louisiana State Museum.

entire nation thrilled with gratitude towards you, and with the joy of believing they see again their own Washington in the friend and companion of that great man, will you not, General, listen, amid this tumult of welcome, to this expression which we are charged to convey to you of the wishes of the inhabitants of New Orleans. Proud to enjoy the benefits of a constitution that you aided in establishing, they greet with all sincerity your happy arrival in this land of liberty, your real country. They make bold to ask of the champion of equality the right which is theirs, and of which they are jealous, to participate in the manifestations of good-will, with which he has honored this great American family. They come, General, to beg of your great goodness to include this city in the number of those, which will glory in having had you among them, and to give them themselves the opportunity of showing their love and their great veneration for the unflinching friend of humanity and of independence of both hemispheres.

Permit, General, that the Mayor and the Recorder of New Orleans may here rejoice in the mission, that has accorded them the privilege of presenting individually to you their respectful homage and their prayers to Heaven for your prosperity.

J. ROUFFIGNAC, Mayor.

D. PRIEUR, Recorder.

As soon as the news of La Fayette's arrival at New York had reached this city a salute of 100 guns was fired in honor of so great an event, and thus in thunderous tone did the people voice their welcome. The whole city was on the tip-toe of expectation; they heard of the brilliant receptions tendered by the cities of the North, but they also heard the whisperings that perhaps the distinguished guest might not come South. No answer had yet been received to the invitation extended by the City, and so the legislature of the State, being then in session, adopted by the unanimous vote of both houses a resolution, that the Governor in the name of the State invite La Fayette to come to Louisiana.

In pursuance thereof this letter (which is also translated from the French in the little pamphlet) was sent:

New Orleans, 20th December 1824.

General,

I comply with veritable pleasure with the duty imposed upon me, as first Magistrate of the State of Louisiana, to send you herewith the resolution of the General Assembly to visit this state, that its inhabitants may testify, no less than their fellow-citizens of the Union, their admiration of your virtues and their gratitude for your services.

Permit me to add, General, that nothing could be more pleasing to me than to voice their sentiments, in which I sincerely join. Please accept the assurance of my high consideration,

H. JOHNSON.

To General LaFayette.

By letter of Dec. 25th, 1824, addressed to the Mayor and Recorder of the City of New Orleans, La Fayette acknowledged receipt of the invitation to come to this city and expressed his intention of so doing. It was a gracefully worded acknowledgment and gave the people delight.

The whole city was in a state of excitement, as might be well understood; but sobered at last by the necessity for proper action, those in authority took the needed steps.

A Committee of Arrangements was named with Gov. Johnson as Chairman, composed of Gov. Johnson and Messrs. Villéré, Morgan and Duplantier on behalf of the State; of Mayor Roffignac, Recorder Prieur, and the following members of the Council, Messrs. Christy, Davezac and Cox representing the City of New Orleans. This Committee, empowered by both State and City with full authority, at once set about arranging the details. Several plans were proposed and discussed at length without arriving at any definite decision. The question where La Fayette should be housed was one long debated. Many residences had been offered, but at last on motion of Mayor Roffignac and adopted by general approval the City Hall, our own Cabildo, was chosen as the most appropriate place of lodgment.

One can well imagine the work necessary to change government offices into a befitting residence for so distinguished a guest. But the incentive forced its accomplishment. The Council Chamber was converted into a handsomely equipped drawing-room; the arsenal (*magasin d'armes*) made the dining hall; while the offices of the Mayor, the Secretary and even that of the Treasurer were converted into sleeping apartments. Rich draperies, marble mantels, brilliant crystals, beautiful paintings, and all the many adornments of tasteful luxury, were installed, and the Cabildo became indeed a fitting residence for the City's guest.

Other details in connection with the reception consumed much time, and it was not till the 23d of March that the decision was had to erect in the Place d'Armes, now Jackson Square, a Triumphal Arch. Many doubted if there would be time for com-

pletion of so elaborate an idea, but due to the untiring efforts of Mr. Pilié and of Mr. Fogliardi the work was accomplished.

This monument was 63 feet in height, 58 feet wide, and 25 feet in depth. The distance from the Key-stone of the arch to the ground was 40 feet, while the width of the Arcade measured 20 feet. The foundation base was of imitation marble of Seraveza. The pedestal bases were of imitation green Italian marble and were ornamented with two colossal statues, of Justice on one and Liberty on the other. Above these pedestals rested the arch of an arcade of Doric order, with two columns at each of the further sides. The arch itself was composed of 24 stones, each decorated with a star of bronze; while the key-stone bore on its face the graven word "Constitution", thus representing the twenty-four states of the Union linked together by one bond. The entire front of this upper portion, from columns to columns and surrounding the arch, was of imitation yellow marble of Verona, and was decorated by two large figures of Fame, each holding with one hand a trumpet to the mouth, the other hand clasping a branch of laurel and a streamer bearing in one case the name of Washington and in the other that of La Fayette. The national eagle was the upper and central figure just above the arch. The projecting cornice, decorated with triglyphs, bore between each of these the name of some companion General of La Fayette during the Revolutionary War. Above this cornice was an elevation of 7 feet with the inscription (on one side in English, on the other in French) "*Une Republique reconnaissante a dédié ce monument à La Fayette.*" Surmounting the whole was a central figure of Wisdom, resting her hand on a bust of the immortal Franklin; while each of the four corners was embellished with rich national emblems and flags. All these designs, the bas-relief, cornice and columns were in imitation Carrara marble. The interior of the arch was formed of panels decorated with ornamental rosaces, while the sides of the pedestal bases within the arcade bore Bradilio marble slabs, each with a name of one of the signers of the Declaration of Independence.

In the meanwhile, under date of Feb. 23d, 1825, La Fayette addressed a communication to His Excellency, Gov. Johnson, accepting the invitation of the State.

Acting upon the suggestion of a Committee composed of D. Bouligny, J. S. Johnston, Edw. Livingston, H. H. Gurley and W.

L. Brent, who had gone to Washington to further by personal interviews the project in mind, the steamboat Natchez was chartered to proceed to Mobile, where he was then being entertained by that city and transport La Fayette and his party to New Orleans. On the morning of April 2d a signal of 10 guns announced the departure from New Orleans of the steamer with the committee which had been selected to act as escort, viz: Messrs. Villeré, Duplantier, Urquhart and Davezac representing the Committee of Arrangements; and Cols. Ducros, Fort and Morse of the Governor's staff on behalf of the State.

While the State and City had each appropriated \$15,000.00 for that purpose, subscriptions to help defray the expenses necessary for the entertainments proposed came in from all sources in generous amounts, so eager were the people as a whole to thus show their love and admiration of the great La Fayette.

The Masonic order was prominent in its efforts to make La Fayette's visit a memorable one.

On the afternoon of April 9th, at about 5 o'clock, a cannonade was heard in the distance, a pre-arranged signal from the lower parishes, announcing that the Natchez was in the river. The excitement was great; but why undertake to further describe the actions of the people, for the city was Enthusiasm itself. The night was dark and rainy, but still activities prevailed all through; a salute of 100 guns gave notice that "the happy day of the arrival of the 'Nation's Guest' was about to commence."

It had been arranged that the Natchez was to debark its passengers at the battle-field of Chalmette. People on foot, people in carriages, people by boat, flocked to points of vantage below the city limits. About 10 in the morning the Natchez was still ascending the river, accompanied by those boats which had gone to meet the coming vessel. The falling rain continued through the forenoon. At 2 o'clock of the afternoon the Natchez landed at the Montgomery habitation, the head-quarters of General Jackson in 1815, and amid the plaudits of a very considerable gathering La Fayette, supported (on account of infirmities occasioned by his long and cruel imprisonment at Olmutz) on one side by his old companion in arms, Duplantier, and on the other by Gen. Villeré, set foot upon the soil of Louisiana.

At the Montgomery residence, Gov. Johnson extended welcome, to which La Fayette replied in feeling manner.

Then the various guests present were introduced in turn to La Fayette, among them several old companions of his military glories—Col. Brian Bruin, Judge W. Gerrard, Col. Grenier, and Messrs. Lefevre, Legouster and Berthoulin—and then occurred a charming welcome by the ladies who had come to be participants on the occasion.

Mr. Marigny had been députized by the ladies as their spokesman, and in graceful language voiced the sentiments with which they were animated. After a gracious response by La Fayette he introduced to the ladies his son, George Washington La Fayette, and two other members of his party, Messrs. Levasseur and de Syon.

Then came the march to the city. In a Landau drawn by six spirited iron-greys sat La Fayette with Gov. Johnson, Genl. Villeré and Mr. Duplantier; while a second carriage with four horses conveyed George Washington La Fayette and Messrs. Levasseur and de Syon.

Then followed the dignitaries of state and city, the judges of the Supreme Court and of the lower tribunals, distinguished citizens, the military and civic organizations—and if one but considers the distance that had to be traversed to reach the Place d'Armes, one can readily understand the enthusiasm which carried them through the march.

As appropriate to this article we re-print from Vol. 1, No. 2 of our Louisiana Historical Quarterly, part of the gracefully written account of LaFayette's visit, prepared by Judge Henry Renshaw and read by him at a meeting of the Society on Lafayette Day, Sept. 6th, 1916.

"A procession was formed, which with Lafayette as the dominant figure, moved onward to the City, and grew in volume with its extending course. At length was reached what then was the Place d'Armes. Almonaster's daughter had not yet embellished the place nor asked that its name be changed to Jackson Square. Lafayette descended from his equipage of state; he entered the Place d'Armes; the impetuous people strove to look upon him; and the joyous acclamations of the multitude mingled with the music which the belfry of the Cathedral scattered on the air.

In the center of the square an arch of triumph had been reared. There Roffignac, Mayor of New Orleans, re-

ceived Lafayette, and expressed the gratification of the City at his arrival. At the Courthouse, Denis Prieur, the Recorder, and as such the presiding officer of the City Council, extended to Lafayette, in their behalf, a further welcome.

To the Mayor and to the Recorder, the renowned visitor made appropriate acknowledgment.

Lafayette was thereafter conducted to the Cabildo, which in those distant days was the City Hall, and continued so to be until the early portion of May, 1853. This building had been sumptuously furnished for his service and was assigned as his place of abode during his residence in New Orleans.

The Cabildo became the house of Lafayette; or in the speech so beloved of the people, *la maison Lafayette*. Amid the enthusiasm of the exulting citizens he took possession of his temporary home. Turning from those who were in attendance, he advanced to the front of this building, and from the balcony on Chartres Street reviewed the troops that were parading below.

Into the Cabildo poured the people eager to greet the famous veteran of our struggle for independence.

The tide of visitors ebbed away. The night drew on. They who had been his companions at dinner lingered for a while; all who were not of the household at length withdrew; the hero was left to his repose; and quiet brooded over the Cabildo.

On the morning of the morrow the tide again set in, and the flow and the ebb continued as day followed upon day. Officials, members of the bar and of the medical profession, soldiers of the American Revolution, veterans of the field of Chalmette; citizens, generally, called to offer to the hero the lavish homage of their reverential admiration.

On the second evening of his sojourn, Lafayette visited James H. Caldwell's theatre, which had recently been built in the upper portion of the expanding city. Caldwell was an Englishman who had settled in New Orleans. He had amassed fortune; was a patron of the drama; and was himself a 'well graced actor.' At Caldwell's theatre Lafayette was greeted with clamorous manifestations of veneration and delight.

From witnessing the representation on the American stage, he proceeded to the Orleans theatre and viewed the last two acts of a comedy performed by Davis' Company of histrions. At the termination of the play, the actresses and actors rendered a musical composition which ended with mention of Lafayette and freedom. The audience took up these associated words, and the house resounded with tumultuous shouts of 'Vivent Lafayette et la liberté.'

A ball given for him at the Orleans theatre presented a spectacle of brilliant revelry. It is said that eight hundred ladies graced the occasion with their presence.

On the 13th of the month the City was illuminated. The Place d'Armes was radiant with multicolored light. The arch, the Courthouse, the Cabildo blazed with the splendor of fiery ornamentation. In the softness of the April night, the daughters of New Orleans, clad in the elegance of evening attire, crowded the neighboring balconies, or were units of beauty in the throng which filled the Square.

Restriction of time constrains me to bring to a conclusion this imperfect sketch.

Briefly it may be stated that the City was riotous with gaiety of patriotism. Their hearts uplifted in rejoicing, a demonstrative people, with generous enthusiasm, made of the visit of Lafayette a glad series of gala days and festal nights.

Friday, the 15th of April, was the date of his departure. About mid-day he left the Cabildo. The soldiery taking up their march, advanced between crowding lines of people, and were his guard of honor to where the Natchez lay expectant.

The words of farewell were spoken; the moorings were thrown off; and the steamer, dignified by its heroic burden, moved slowly forth upon the broad surface of the stream.

Thus passed the visit of Lafayette, leaving as a precious possession to the people, the proud remembrance that they had been privileged to entertain the illustrious Frenchman, who in the days of his chivalrous youth had fought for the cause of our infant Republic."

**CELEBRATION BY THE LOUISIANA HISTORICAL SOCIETY
OF THE CENTENNIAL ANNIVERSARY OF THE VISIT
IN APRIL, 1825, OF LAFAYETTE TO NEW ORLEANS**

Reported by James A. Renshaw.

Some time in advance of April, 1925, the Louisiana Historical Society appointed from its officers a committee to make arrangements for the proper celebration of the Centennial of Lafayette's visit to New Orleans. This committee called upon Mayor Andrew McShane to enlist the participation of the city and the project was heartily endorsed by him. They also called upon the School Board of the Parish of Orleans with the view of having the new Lafayette School, which building was then fast nearing completion, dedicated on the evening of April 14th as an appropriate commencement for the exercises. Superintendent Nicholas Bauer was enthusiastic over the idea, but feared that the building could hardly be finished in time. After conferring with Mr. Jas. J. A. Fortier, President of the Board, the contractors gladly agreed to push the work, that the opening ceremonies might take place as desired.

Invitations to attend the ceremonies were sent to the French Ambassador at Washington; to Mr. Maurice de Simonin, Consul General of France at New Orleans, as well as to the resident representatives of all other nationalities; to Archbishop Shaw and to the Bishop of Lafayette; and also to Governor Fuqua and other State, parish and city officials.

The French Ambassador, being unable to attend, appointed General Dumont as his representative, and the latter as such was present at all three celebrations, speaking at each in a graceful and pleasing address.

The evening of April 14th was of balmy temperature; and as the crowds gathered at the school, a handsome structure erected at a cost of some \$400,000.00, they rejoiced at the scene, for the edifice spreading over a great frontage in Carrollton Avenue, was illuminated from top to bottom and brightened all the surrounding space. Flowers and plants had been placed in all the halls and class-rooms, the pupils were massed in the main assembly room, their parents and friends and the general public filled the corridors, and the well-trained band of the Warren Easton Boys' High School enlivened the passing moments with

music, the national airs of the United States and France being well rendered at appropriate times. On the platform at one end of the Assembly Hall were seated Genl. Dumont and Mr. de Simonin representing France, President Fortier and Superintendent Bauer of the School Board, and other distinguished representatives of the city.

At the close of the celebration Miss Florence Wilson, Principal of the school, and her efficient corps of teachers, invited all to partake of refreshments, and many a pleasing moment was thus passed informally.

The next day, April 15th, at 3:30 in the afternoon, the city officially extended its greeting. Quite a gathering of representative citizens, ladies and gentlemen, including a charming delegation from the Normal school of the city, was present in the Mayor's parlor at the City Hall. The large oil painting of Lafayette, which adorns one wall seemed imbued with life as the several speakers made allusion to the glorious deeds which so endeared him to a grateful people.

Mr. E. A. Parsons, vice-president of the Louisiana Historical Society, said:

Since yester-night until this moment, our honored guests, the officials of our city and my distinguished colleagues, in French and in English, in eloquent discourse, with apt illustration, have sung the merited praise of the brilliant soldier, the great patriot, the apostle of liberty and the lover of humanity, the Marquis de Lafayette.

His distinguished birth, his brave exploits, his noble life, his high ideals, the beneficence of his broad humanity, his love of justice, his moderation, his fine sense of proportion, his sober judgment, his exalted character, the friendship and respect for him of the serene Washington, his unbounded enthusiasm for and immeasurable services to the cause of American Independence, his military achievements from Brandywine and Yorktown to the Terror, from Maubauge and Philipppville to the Revolution of July (1830); his triumphal visit to America, the first centenary of which we now celebrate, the gratitude of the American people and the gift of Congress, his visit to New Orleans, the Speech of Governor Johnson, the Welcome of Mayor Roffignac, beneath the arch of triumph designed by Mr. Pilie in the center of the Place d'Armes, his reception at the Court-house, where Denis Prieur made an address on behalf of the City Council; how from the balcony of the Cabildo he reviewed the troops and the Choctaw Indians, his reception by the members of the Legislature, the address of Pierre Derbigny in the name of the New Orleans Bar

and the other festivities of that memorable occasion; his return to France, his last speech, consistent with his life, in favor of the Polish political refugees, his death at Paris, May 20, 1834; his simple tomb in the Cemetery of Picpus, all this, in detail or referred to, has been given with such eloquence and learning that it would be as ungenerous for me to attempt to repeat it here as it would be unwise to essay to emulate the brilliant addresses and learned discourses which have graced this Centenary Celebration.

But one must be of wood or stone who could not on such a theme evolve a text.

This simple passage, big with meaning, of the historian of America, comes to my mind.

"On the 24th of December" (1782), says Bancroft, "the French auxiliary forces in the United States . . . embarked at Boston for the West Indies. The affection, the gratitude, the sympathy, the hopes of America followed the French officers as they left the shore. What boundless services they had rendered in the establishment of her independence. What creative ideas they were to carry home."

What pictures do not this conjure to the mind's eye. Scenes of the past and visions of the future and lessons for the present press into view.

Visions of the future—"What creative ideas they (the French) were to carry home".

This child of liberty, these children of France, fresh from the practical experiences of great battles for freedom, fought with moderation, of triumphs of liberty, free from excess or license—what a wonderful band of men were these French-American veterans, soon to be hurled into the maelstrom of the greatest catclysm since the fall of Rome! How they were true to the principle for which they had fought in America, how they tried to moderate the fury of the mob, and to calm the mountainous waves of the Terror! If Lafayette did not succeed in this, it must be remembered that no Titan fighting the forces of Olympus could have done this; that the pent up forces of ages of oppression and misery, breaking like a mighty flood and engulfing the fair land of France—but this is a picture to which the dramatic pen of a Carlyle, the realistic pen of a Dickens, the brilliant pages of a Michelet or the sober prose of a Thiers, fail to do justice. Some Aeschylus, alone, could portray this supreme tragedy,—the Terror of the French Revolution.

So Lafayette and his followers labored for moderation and for justice for all humanity. Indeed what creative ideas they had carried home!

And now the past.

"What boundless services they (the French) had rendered in the establishment of her (America's) independence."

Here is the frank avowal, here is a simple statement calmly made by our sober historian at a time, as the advocate would say, not suspicious.

What boundless services France had rendered to these United States.

It would be well for all Americans to read this passage carefully and to ponder on its simple import. What boundless services France rendered to the cause of American Independence! And applying that statement true in 1782, and equally true in 1914-1918 and up to this very hour, let us ask ourselves, have we fully remembered that great obligation? Have we likewise rendered boundless services to France? The Versailles Treaty was practically dictated by ourselves and others, and signed by France to please us. Have we helped to carry out its provisions in the generous spirit of one who renders boundless services to his friend and benefactor?

May we not hope—we who love our country and its virtuous fame, may we not hope, we who love France, which in this instance is synonymous with Justice—that America true to her great historic past, ever the champion of justice and fair play, generously, unselfishly may yet be the leading force to bring to the fields and factories and counting-houses of France, that equitable reparation and restoration of rights and property, which shall compel the future historian of France to write on *his* page the simple praise—What boundless services America had rendered France in her hour of need!

May this be our great role:

“Lord God of Hosts, be with us yet,
Lest we forget—lest we forget!”

Mr. Renshaw, speaking to the Louisiana Historical Society, said:

Can the name of Lafayette ever be spoken in this great land of ours without arousing feelings of gratitude and admiration? Is it ever mentioned in our own Louisiana, the great daughter of a greater France, without awakening also a thrill of affection and esteem? Such is the tribute of a grateful people to the memory of a much beloved man.

Let others speak of his career as a soldier. Let others tell of the financial aid so freely given. Mine will be the pleasing duty of a simple allusion to those enduring bonds between his land and ours, that his actions forged in the long ago and which the memory of his deeds has garlanded with all the nobler thoughts of men.

Time was, in the years gone by, when darkening clouds hid for a while the sunshine of friendship between our country and his; but I like to think the recollection of Lafayette was no mean

factor in brushing to one side the nebulous gathering that threatened our peaceful relations. And of more recent date, within the last decade, when France almost prostrate, but glorious still in her desperate struggle, looked towards America for aid, our country's response it seems to me was not merely the answer of humanity, or even of possible self-preservation, but was quickened by the inspiring memories of the succor brought to us in the gloom that overhung our infantile efforts against a powerful foe. The spirit of Lafayette shone over the valley and the mountain tops, calling from city to city, from village to village, from the country side, from hill and dale, enthusing men and women, and making America's answer quick, unmistakable and determined.

No wonder Pershing, embodying the thought of all under his command, before marching into action paused at the grave of Lafayette in generous meditation. It was a slight thing in itself, but a mighty act when regarded in the light of one nation's responsive tribute to another in distress. Can we doubt that the spirit of Lafayette hovered about that scene?

And so the ceremonies that are today rejoicing our city, which the great Lafayette visited in person one hundred years ago, are not merely to honor one who in his lifetime was aglow with all the better attributes of man, but to perpetuate in the growing generations, as we ourselves fell heir to, the love and admiration of a people for one who had helped them much.

May the spirit of Lafayette prove ever a guardian over that friendship which is and should be between America and France.

Mayor McShane welcomed his distinguished guests in a pleasing tribute to Lafayette and to France, and was followed by Genl. Dumont, Mr. De Simonin in French, and by several of the members of the Louisiana Historical Society, while the bands of the Fire and Police Departments of the city provided fitting music for the occasion.

Father J. Girault de la Corgnais, the venerable and much loved parish priest of Pointe a la Hache, made a feeling prayer in French asking Divine aid in the preservation of that friendship between this country and France, which the great ideals of Lafayette had enkindled.

A pleasing incident of the occasion was the meeting between Genl. Dumont and Mr. Emile Lamotte, now of this city and who had been a sergeant in the French army during the Franco-Prussian war in 1870. The old veteran was honored by the bestowal upon him of the accolade by Genl. Dumont.

At the close of the ceremonies the guests were asked into one of the adjoining Committee rooms, where Mayor McShane

and his accomplished consort provided at bountifully laden refreshment tables.

That same evening at 8 o'clock the Cabildo was ablaze with light. The Sala Capitular, which had been converted into a reception room when Lafayette was assigned the Cabildo for his residence 100 years before, was thronged with people who had come in honor of the occasion.

The Louisiana Historical Society had appointed as a Committee of Arrangements, representing the twelve marshals who received Lafayette in 1825,

G. Cusachs, Chairman

Martin Behrman

Charles F. Claiborne

H. P. Dart

W. O. Hart

H. M. Gill

Andre Lafargue

J. Mitchell Pilcher

Edward Alexander Parsons

James A. Renshaw

W. J. Waguespack

James Wilkinson

and as Chairman of the Reception Committee

James J. A. Fortier

The meeting opened with an Invocation by Right Rev. Bishop Jno. M. Laval.

As a body-guard to Genl. Dumont officiated the two surviving members of the old Continental Guards, in the beautiful uniform of that command; while the Boy Scouts were present in a large delegation, representative of the youthful patriotism of today. It was a great gathering.

Addresses were made by Messrs. Hart, Lafargue, Gill and Parsons, while Mr. de Simonin conveyed "Greetings from France" and Genl. Dumont "Greetings from Washington".

A delightfully arranged musical programme had been provided by Mrs. Dupuy Lee Harrison, President of "Le Cercle Lyrique", which included the Marseillaise and the Star Spangled Banner. To the ladies and gentlemen of the Cercle Lyrique, who lent their aid, much of the success of the evening was due.

And then Mrs. Lelita Lever Younge in her own charming way addressed Mme. de Lafayette, represented by Miss Rubie LaLande. The well chosen words so gracefully spoken, the beautifully gowned and lovely Marquise, made a fitting ending to a delightful celebration, about which memory will long linger.

Benediction was then spoken and the crowding mass gradually passed on out.

A hundred years had passed, but a grateful people had not forgotten.

It is a pleasure to here give the addresses of Genl. G. A. L. Dumont and Consul General Simonin. Genl. Dumont, representing the French Ambassador at Washington, said:

Ladies and Gentlemen:

I think it is quite a privilege and it gives me much pleasure to have been asked to speak before this distinguished audience, in this historical room and on such an unique occasion.

I also wish to thank you for all the courtesies extended to me through the Louisiana Historical Society. I well know from my previous experiences the wonderful charm of what you are pleased to call the good old fashioned Louisiana hospitality. I beg to say I thoroughly enjoy it.

We are here today to celebrate the hundredth anniversary of General Lafayette's visit to this City and Mr. Lafargue has just most brilliantly told you how marvelous was his reception in New Orleans.

But, at this time, I should like very much to recall a few facts of Lafayette's earlier experiences.

On April the 20th, 1777, a little vessel sailed from Spain for the open sea. It flew the white colors of France and its name was "La Victoire".

The owner, a lad of 19 years of age, was on board with eleven friends, his name was Marie Jean Paul Joseph Roch Yves Gilbert MOTIER, Marquis de LAFAYETTE. Born in 1757, an orphan at 12 years of age, married at 16 to the charming Countess Anastasie de Noailles, he was a Captain in the Royal French Artillery.

If he was leaving France and Europe under mysterious circumstances, it was in no way because of the lure of distant travel, nor through a thirst of the unknown.

There was at that time, beyond the Atlantic, a land where men had taken the oath of freedom and had sworn to compel respect for their own rights.

For the last two years, with sublime perseverance, these men had been suffering and struggling for an idea and an ideal: LIBERTY.

And for two years, the French nobleman, after hearing, at first somewhat by chance,—in fact, at a dinner given in honor of the Duke of Gloucester, brother of the English King,—of the cause of the American insurrection, had been anxious to fight with the champions of Independence, to suffer with them, to shed his blood and to give his life, if need be, for the triumph of Liberty.

And for Liberty's sake, Lafayette left his country, his position in the army, his beloved wife and his huge fortune, to throw in his lot with the soldiers of this Holy cause.

He concluded an arrangement with the American Ambassadors to France: Silas Deane, Benjamin Franklin and Arthur Lee and after purchasing a vessel of his own means, succeeded against the protests of the British Ambassador, the efforts of the Spanish government and also, we must say, the rather lukewarm efforts of the French government; he sailed, eluded British cruisers dogging both his departure and his arrival here and finally landed in South Carolina.

Of his arrival Tienor says:

"The sensation produced by his appearance in this Country still stands forth as one of the most prominent and important circumstances of the Revolutionary contest, and it has often been said by one who bore no small part in these trials and successes, none by those who were there alive can believe what an impulse he gave to the whole of the population, almost disheartened by long series of disasters."

In a letter to the President of Congress, he tendered his services as a volunteer without pay. He offered himself, as he wrote to his wife, "without ambition or thought of private interest, but as a friend bringing only to the task his candor and his good will."

He was given a commission as Major General, dated July 31, 1777, and met Washington for the first time at a dinner party, the day following the action of Congress. The wise Commander, with the penetration that seldom failed him, quickly discerned the man and the day following Lafayette took up his military abode at Washington's headquarters.

Five weeks later, at Brandywine, the young Marquis saw service. The defeated Americans were in retreat; Lafayette, dismounted and entered the ranks, rallying the men and received a leg wound which disqualified him for two months. When in time of stress and defeat you may better know your friends; the battle had been lost and Philadelphia had been captured by the English army, but Lafayette had won his spurs, I mean the esteem of the soldiers of the Independence and from that time on, the great Washington loved him as if he should have been his son.

To you, Ladies and Gentlemen, Mr. Gill will tell you about Lafayette as a soldier. What I am reminded of now is what happened to Lafayette after peace had been firmly established.

In 1784 he paid a short visit to Washington and then sailed back from New York to France on Christmas Day.

Little could he think that many adventures still were awaiting him.

Anyway, times had come for the minds of the people of France to awake. The same ideals which had brought the American revolution, as already set before them by the French philosophers and of course developed by the recent happenings in America were moving the whole French nation and in 1789 these ideals

were so strongly advocated as to justify the breaking of a revolution in France. A revolution not against a foreign country holding back the rights of its Colonists but against the Royal government ignoring the rights of free men.

Again then the course of Liberty appealed to Lafayette. He became a member of the Assembly of Notables in the National Assembly; he presented there a Declaration of Rights, modeled on Jefferson's Declaration of Independence. He commanded the newly established National Guard and for years his history was that of France.

He caused millions of his countrymen to take the oath to live free or die. At the same time he demanded the preservation of the rights of the people but he did not approve of the throes and horrors of 1793. It is not for me to tell here, at any length, of his political career or of his sufferings as a political prisoner for five years, in an inhuman dungeon in Austria. They have been recounted by General Holstein, who did so much towards the accomplishment of the liberation of the prisoner from Olmutz, but I must say that when terms were offered to him he disdainfully spurned any that would compromise his rights or duties either as a Frenchman or an American citizen.

It has been justly said that during the American Revolution, all France had their eyes fixed upon Lafayette; during the French Revolution, all America was interested in his doings.

Many other facts could be recalled about Lafayette during the years which passed by before he came back to this country to be your most honored guest, but you are all well aware of them.

For lack of time and of skill, I have been unable to make my remarks adequate to my subject. I hope you will excuse me. Before I close these already too lengthy remarks may I only recall what President Arthur said 44 years ago: " . . . none of the memories awakened by this anniversary are more grateful to us all than the reflexion that the national friendships here so closely cemented have outlasted the mutations of a changeful century. God grant . . . that they may ever remain unshaken."

This wish has been fulfilled.

It is indeed the most gratifying expression of this permanent friendship to my country to find that the love of gratitude showed a century ago to Lafayette has endured and is shown today by an audience inspired by the very same enthusiasm and fervor.

I can only praise you for your pious devotion to our common past and thank you for your very kind attention to a messenger from France.

Go ever ahead in your good work.

Lest we forget!

Mr. Maurice de Simonin, Consul General of France at New Orleans, said:

Gentlemen:

On April 10th, 1825, at the break of day, the trim steam vessel, the "Natchez", coming from Mobile and having on board the Marquis de Lafayette, anchored in front of New Orleans.

The veteran of the War of Independence was then 68 years old, an aged man, but very active and vigorous. He had left France in July, 1824, in response to an invitation from President Monroe to visit his friends in America, for the last time, and notwithstanding his advanced age, he had undertaken the long trip from France to New York and to New Orleans, journeying through your country from north to south, over roads that at times were well nigh impassable, and acclaimed, cheered and welcomed everywhere he seemed to ignore completely the fatigue incident to the trip.

As you know this was the fourth visit of Lafayette to the United States. Looking back to the days of his eventful career the aged man could call up memories of previous trips made under most difficult conditions; there was first his trip made in 1777 on a lumbering and rather unsafe old frigate, armed with two pieces of ordnance, and which would easily have fallen a prey to English corsairs had it not been for the fact that a kind goddess of the sea had watched carefully over this young captain of twenty years, bold and venturesome, who dreamed of helping young America to achieve her liberty; then also he could recall his return to America, in March, 1780, with an expedition, composed of men, ammunition and ships, which brought to America the military and financial help which she needed so badly. He could likewise recall the journey made in 1784, when after peace had been achieved and American liberty had been assured, Lafayette, as a conquering hero came back to the United States on a third visit to be shown every mark of affection and gratitude by his many friends and to reap the reward of his valiant and heroic efforts.

These many thoughts must have come to him as the Steamship "Cadmus", bearing Lafayette to America, on his fourth and last journey, arrived in New York harbor on August 15th, 1824.

The old soldier surely felt that he would be received with every mark of esteem and respect by his many American friends at the time, but he never dreamed that as hearty and as enthusiastic a welcome was awaiting him. Leaning on the railing of the ship, at a distance he gazed upon the shore line, as it emerged from the ocean, and he naturally must have thought of this city of New York that he had not seen for forty years and which he very likely would hardly recognize. He must have thought likewise of the young Republic, which nearly fifty years of blessed liberty had led to remarkable development and prosperity, to his old comrades in arms, most of whom had already disappeared, as he happened to be the last surviving general of that war.

The Marquis de Lafayette was led through the streets of New York, in the midst of a cheering populace, with cannon roaring from the shore batteries, on a triumphal chariot drawn by four white horses. He was welcomed by numerous generals, military and naval officers, by the State authorities by a large contingent of the military sent to act as his personal escort.

The hearty and enthusiastic welcome extended to him in New York and the wonderful reception which he met with at that place were but forerunners of the many courtesies and of the joyous feasting and popular rejoicing which marked the progress of his stay in the United States during fourteen months. President Monroe and the American Congress received him with simple and yet touching ceremony. Everybody rejoiced at his coming and he was most urgently requested to visit successively every State of the Union. Though he knew that the trip would be a most trying one for a man of his age he accepted every invitation that had been extended to him. On the 1st of February, 1825, he left on his journey through the Southern States. Accompanied by his son, George Washington, and by his secretary, Levasseur, he visited successively the Carolinas and Georgia, where he was greeted by the Indian tribes in most joyous and effective fashion and where picturesque and most colorful ceremonies were held in his honor by the aboriginal inhabitants of the land. Finally he became the guest of Alabama, in which State Claiborne and Mobile were the scenes of most wonderful receptions.

The first emissaries from New Orleans that the General met, and whose presence was particularly welcome to him, was a band of musicians that your city had sent to him and which met him in Birmingham. They boarded the Steamer "Alabam" with the general and came down with him to Mobile. During the course of the trip downstream those musicians regaled the old warrior with tunes of the South.

At Mobile, another delegation from Louisiana, a more official one, awaited him; it was headed by Mr. Duplantier, a close friend and an old comrade in arms of General Lafayette.

The trip on the Natchez from Mobile to the mouth of the Mississippi River was a rather rough one because of stormy weather. The travelers regained their composure only after they had entered the river.

The City of New Orleans had made most elaborate preparations to receive their distinguished guest. He was being awaited with considerable impatience as he was then some three weeks late on his schedule. This delay had been caused by the warmth of the reception extended everywhere. The people were loath to let the General depart.

The Marquis de Lafayette landed from the Natchez not far from the battlefield of Chalmette, amid the thunder of artillery and the shouts of the assembled multitude, which had gathered

on the banks of the river, although it had rained incessantly throughout the night. With a cavalry escort, led by twelve marshals specially appointed by the municipal authorities to head the procession and with his arms linked under those of Mr. Duplantier and of General Villere, he was taken to the house of Montgomery, the old headquarters of General Jackson.

There the venerable warrior was greeted by the Governor of Louisiana, who told him how he appreciated the fact that he should be given the opportunity of welcoming him on Louisiana soil. Deeply moved by the words of welcome that had been spoken by the chief magistrate of Louisiana the Marquis de Lafayette answered with a considerable show of emotion.

The parade was then formed. Escorted by Colonel Bruian Bruine, a veteran of the wars of Canada, by Judge Gerrard and by Colonel Grenier and surrounded by the leading ladies of New Orleans and by an impressive military detachment, Lafayette proceeded to the heart of the city.

Although the rain still persisted, the parade in splendid formation marched through the streets of the city, loudly cheered and acclaimed by a vast concourse of people which lined the sidewalks. A triumphal arch, sixty feet high, a plaster reduction of which is still kept in your historic museum, had been erected on Jackson Square. The Mayor of the City, Mr. Roffignac, with his municipal council, awaited the distinguished warrior under this triumphal arch and greeted in terms of affectionate regard and esteem. The General was then taken to the Cabildo, the City Hall in those days, where we are all gathered tonight and from the balcony of which place the General reviewed the troops. He addressed words of congratulations to the grenadiers, the "voltigeurs," the "Chasseurs," the Orleans Guards, the Union Guards, the Lafayette Guards and the other military contingents that filed past him. He was also very much impressed with a contingent of one hundred Indians of the Choctaw Tribe that marched by in single file. He had words of welcome and of praise for all the soldiers.

During the five days of his stay in New Orleans the Marquis de Lafayette received at the Cabildo the many delegations that called to pay their respects; the members of the State Legislature, the magistrates, the bar, the veterans of the War of Independence, all of whom hastened to pay homage to the illustrious guest. The Cabildo, rechristened the "House of Lafayette", was the scene of an uninterrupted flow of admirers and visitors.

Between the various receptions held, the General visited the City, brilliantly illuminated at night. He attended two performances, one given at the American Theatre, "The Prisoner of Olmutz", and one given at the French Theatre, "L'Ecole des Vieillards". Both performances were most splendidly rendered and Lafayette warmly applauded the performers.

He also attended a beautiful ball given in his honor. More than eight hundred ladies most delightfully gowned graced the occasion. The Marquis de Lafayette, who had always been a great admirer of the fairer sex, was thus given an opportunity to see how beautiful and how elegantly dressed the women of Louisiana, your ancestors, were in those days.

The day of the departure unfortunately had to be fixed. It came entirely too soon to suit the inhabitants of your city. On the 15th of April Lafayette took leave of his courteous and enthusiastic hosts. As on the day of his arrival great crowds lined the streets and the balconies. Large numbers stood on the roofs and the ships in the harbor blew their whistles as the distinguished son of France appeared on the levee. Everybody was deeply grieved over his departure.

The Governor of the State, the Mayor of the City, the members of the municipal council, went aboard the Natchez with the General. They remained with him on the steamboat for some distance up stream, on the way to Baton Rouge, and finally shook hands for the last time with the champion of American liberty, whose visit was one that they could never forget.

Your society, which has set for itself the task of preserving and cherishing the glories of the past and the remembrance of the historic events that have taken place on Louisiana soil, has well and properly decided to fittingly commemorate the one hundredth anniversary of the visit which the noble son of France, whom President Monroe referred to as "The Adopted Son of the American Nation" made to your city.

And you have availed yourself of this opportunity to conjure up the image of this young French nobleman, whose birth, wealth and social position should have kept him in his own country, there to lead a life of ease and contentment, but who imbued with a sense of the righteousness of your cause, notwithstanding family and royal objections, affronted the perils of the sea and those of an ever watchful enemy and hastened to these shores to offer his services, his youth and his fortune to a handful of men, whose resources were of the scantiest and who had banded together in a spirit of heroism and self sacrifice to fight for and obtain for their country the priceless heritage of liberty.

The disinterested step that this young countryman of mine took because of his great love of liberty and of his unbounded faith in a just and holy cause shows very conclusively that the highest ideals can bring about the most wonderful accomplishments.

The heroism of the Marquis de Lafayette, the part that he played in the diplomatic and military events which eventually gave birth to American Liberty, the close friendship which for-

ever exisited between him and your great Washington, have linked his name inseparably with the history of your Independence and with the crowning achievements of your forefathers.

I am most happy, Gentlemen, on behalf of my country to join in the homage paid to the memory of one, whom we Frenchmen, honor and respect as the precursor of the indissoluble friendship which binds our two countries.

**DEDICATION OF THE LAFAYETTE PUBLIC SCHOOL IN
NEW ORLEANS AS PART OF THE CENTENNIAL
CELEBRATION OF LAFAYETTE'S VISIT
IN 1825.**

*Address of James J. A. Fortier, President Orleans Parish School
Board, at the Dedication of the Lafayette Public
School, Tuesday, April 14, 1925.**

It is my high prerogative to welcome these distinguished representatives of the Republic of France to Louisiana, not as guests but as beloved relatives.

This is the beginning of events to follow on tomorrow and thereafter to celebrate the one hundredth anniversary of the visit of Lafayette to these United States. A remarkable coincidence but a very fortunate one permits us, as members of the Orleans Parish School Board, because of the great work that has been done by the school authorities, to begin these festivities on tonight in the formal dedication to the cause of education of this great school.

Our thanks go forward not only to the men and the women who have striven for it, to those who were its champion, but also to those who physically gave to us of their powers and of their zeal to make possible this beautiful, this magnificent temple of learning.

To our School Board architect, I wish on this occasion to extend my official thanks. His work is far beyond that of an employee, and we are proud to claim him as a colleague and a collaborator, for he gives us far beyond what we deserve.

We have named this school "Lafayette" so that the children that enter its portals may daily be reminded of the glory of Lafayette. There have been public squares, there have been parishes and streets named for Lafayette, but it is particularly befitting that a structure which is the sanctuary of human rights and the refuge of liberty should be named for one of the greatest champions of liberty that the world has ever known.

What is the contribution of Lafayette—what is the contribution of France to the cause of the American Revolution? Why,

*It is of course understood that the Quarterly is an open forum, for the free expression of the views of the contributor, without comment or endorsement from the Editorial Department.

my fellow citizens, the armies of Washington were bedraggled and were hungry; a great many of the people of our colonies had lost their spirit, were downcast. The Continental Government itself was in despair. Upon this occasion, when we are graced by the presence of the distinguished representatives of France, let us admit our debt in full. Let us admit that, without the participation of France and of Lafayette, Yorktown would have been impossible. The English had three strong armies—one in New York, one near Virginia and the other near Charleston. Washington's army was constantly becoming smaller instead of larger, but the English Regulars were becoming more numerous and better trained soldiers were being sent to our shores to continue the oppression of the British. It was necessary for Washington to prevent Cornwallis moving his army from Virginia and making a junction with that of General Clinton at New York. It was sacramentally necessary that these armies be kept separated, and the task of keeping those armies separated and of holding Cornwallis in the South was entrusted by Washington to a boy, to a youngster, as Cornwallis termed him, to Lafayette, twenty-four years of age, a boy, a youth, but already seasoned by five years in the cause of the American Revolution. He had not only inspired the admiration, but also the love of Washington, and there is no American that ever lived that had a greater heart. The love of Washington for Lafayette was unbounded, unlimited and profound. With love there was respect for his power; there was knowledge of the fact that authority and responsibility could be vested and rested upon the shoulders of the young Lafayette. Furnishing the supplies of the army at his own expense, clothing and feeding the soldiers of the colonies by opening the purse strings of his own pocket, Lafayette, Washington knew, could be likened unto and could be trusted as had been and would be the Fathers of the Declaration of Independence themselves. They had affixed their signatures, pledging to the fulfillment of these high principles, their lives, their honor, everything that they owned, and so Washington knew that Lafayette would dedicate his life, would give his fortune and would defend the honor of the troops of America as he would his own great honor.

Lafayette succeeded because of his military genius. Let us remember that the contribution of Lafayette was not only moral, not only because it had a value that extended throughout the

civilized world, because it was known that a Marquis of France had crossed the Atlantic Ocean at the age of nineteen, because he believed in the principles of the Revolution; that influence alone would have been worth untold value to the American Colonists, but, in addition to that, in addition to his fortune, in addition to staking his life, Lafayette was actively in charge of the second—the most important operations of the American Revolution, designated as the General in Charge by the great Washington himself.

He succeeded, as I have just told you, more marvelously and effectively than words can describe, harassing Cornwallis, making him believe that he had an army at his heels much larger, much more numerous than Cornwallis had ever dreamed of, and succeeded in putting Cornwallis into the horn of the territory south of Yorktown, with the James River on the one side and with the York on the other. By a wonderful inspiration of military genius, knowing that he could not be successful if Cornwallis was to escape with his seven thousand men by way of the sea, Lafayette had arranged with Admiral DeGrasse that the French Navy should stay there.

Let it be noted on this occasion that Admiral DeGrasse, because of his instructions to return to the West Indies and because he believed that an English flotilla might attack him and not wishing to deliver battle in the Bay, DeGrasse had notified Lafayette that he could stay but a few days and that he would leave only a few ships and that he would be obliged to leave the Chesapeake Bay; we find this youth, this great general, leaving his command on land, going over to the ship of Admiral DeGrasse, and, with the eloquence and the fervor and the spirit that was forever manifest in Lafayette—I believe, distinguished guests, I can say with the spirit of France—Admiral DeGrasse consented to remain to participate in the maneuvers and Cornwallis had his escape blocked as far as the sea was concerned and then could only face the enemy upon land, and there was Lafayette fully entrenched directing the military operations himself and commandant of the army in person with sword in hand to block the way of Cornwallis, so that Washington would have time to come from the Hudson with his armies in double quick time and immediately separating General Clinton with General Cornwallis, the siege of Yorktown was effected, and, I believe, entirely due to the military genius of Lafayette.

That I should feel proud on this occasion goes without saying to the people of my city. Did I refer to the spirit of France? Where in all the world, excepting France itself, may be found the spirit of France transfused into the energy of American life more beautifully and more splendidly exemplified than in the people of Louisiana.

It may be of interest to our distinguished friends to know that the first revolution on American soil was not that of 1776. There had been a revolution of the spirit of America, which was the spirit of France, for they were Frenchmen then. The people of New Orleans, headed by LaFrenier and by Villere in 1768 had revolted and had gathered in the Place D'Armes, now Jackson Square, and declared themselves free and independent of the Spanish government. That was the first revolution against European yoke upon the soil of America. The spirit of France was so great and so strong in the people of Louisiana, the spirit of individual liberty and love for it, that, although the French King, by proper legal cession, had given over to the Royal Monarch of Spain the possessions of Louisiana, as he would a cast-off toy, the people of Louisiana were not to be bartered away nor were they to be uprooted from the common ancestry of France, and they revolted and declared themselves free and independent in 1768, several years before the American Revolution. What greater example of the manifestations of the spirit of France!

On that account, the Spanish Governor Galvez called to the colors the young men of New Orleans and of Louisiana, and he headed an expedition to aid the American colonists, and actually the forces of Galvez, the ancestors of our Creoles—I am proud to say one of my own ancestors participated in the siege and taking of Mobile, of Baton Rouge and of Pensacola, aiding, contributing to the success of the American colonists by preventing the English taking these ports, which subsequently had forced the English frigates to seek the ports of New York or the Chesapeake Bay; otherwise it would have been possible for the English to come upon the Colonies through the South, through the Mississippi River and through Mobile Bay.

It is on that account, sir, that I have the proud privilege, the right to be a son of the American Revolution, although my ancestors were living in Louisiana under Spanish domination, but

they had in them the unquenchable spirit, the ineradicable and unconquerable spirit of America and the spirit of France.

After Yorktown, Lafayette stated in the sweet tongue that is so well known to the people of Louisiana:

"Humanity has won its suit and Liberty henceforward will never be without a place of refuge."

When the pilgrims of liberty throughout the world go to the resting place of Lafayette in Paris and stand there, as I had the proud privilege to do; they stand in great reverence. Oh, I am proud as an American that I was able to see upon this tombstone a wonderful bronze wreath with simple words from another great man. There was lying in the dust the Lafayette of the Revolution, of the United States, the Lafayette of the Revolution of France of 1779, the Lafayette of the Revolution of France of 1820, a servant of liberty, and there was the inscription from one who had by the work of Lafayette been enabled to achieve the Presidency of the United States and who had gone to France upon that same soil and with bowed head before this tombstone had placed, as the representative of the American people, a wreath that said:

"To the Great Lafayette, from a Fellow Servant of Liberty. Woodrow Wilson."

Lafayette had created the asylum of refuge and the sanctuary of liberty in America; he had made possible democracy in the Colonies, and, where there was a total population in America of three millions of souls, less than one hundred and fifty years thereafter the Commander-in-chief of the forces of the American Army with soldiers alone numbering three millions had turned with France in the consecration of the cooperative spirit for world democracy.

Such was the achievement of Lafayette. The remains were there; the dust was there; the spirit was immortal; it was born as were the martyrs, the children of the Revolution; they shall go on forever immortal throughout the ages.

Ah, my fellow citizens, let us cherish the principles that guided the life of Lafayette; withstand the temptations of wealth and the allurements of power; defend the rights of man; protect the weak, succor the oppressed, burn into your soul the spirit of

patriotism. Oh, pray with fervor to the Omnipotent Master of all destinies that a new era may dawn upon the world that the immortal work of Washington and of Lafayette may finally bring about universal peace, universal liberty, universal democracy.

Join with me, my fellow citizens, in gratitude, in dedicating this school, this refuge of liberty, to Gilbert Motier de Lafayette, Marquis of France, soldier of three revolutions, champion of American liberty and benefactor of mankind.



BIENVILLE'S CLAIMS AGAINST THE COMPANY OF THE INDIES FOR BACK SALARY, ETC., 1737.

By Henry P. Dart

Gayarre devotes less than two pages to events occurring in Louisiana in 1737. Indeed he mentions three incidents only, the extension to the Colony of free trade with the Windward Islands; Bienville's dispatch to the home government complaining that the Chicasas cannot be conquered without artillery and experienced engineers able to overcome the skill and material of the English allies of that tribe; the foundation of a charity hospital thru the benevolence of Jean Louis, a former laborer of the Company of the Indies who had accumulated a fortune of ten thousand livres and on his death left it to the colony to found the hospital.¹ In his history in english, I. 498-9, Gayarre further records a fall of hailstones on Palm Sunday "as large as the eggs of a common hen". Martin (I. 304 original edition) gives even less space to 1737, mentioning only the Trading Privilege and that Bienville made his plans for another campaign against the Indians in 1738.

Notwithstanding this scant notice from the historians, the year 1737 was a pregnant one in the life of Bienville. He had devoted the year 1736 to the Chicasas campaign and had suffered inglorious defeat in the field, sacrificing men, material and munitions in an ill-planned and badly executed assault upon fortified positions held by the Chicasas assisted by guns and officers furnished by the English from the Carolinas. This campaign brought great sorrow to many homes in Mobile and New Orleans for all the officers and soldiers in Bienville's army came from that section and the mortality among officers and men had been appalling, besides many wounded whose injuries were not yet healed. The Colony had besides suffered a material depletion in material and supplies and it was in a state of anxiety scarcely understandable now but visibly evident to the small settlements hedged about by the roving Chicasas, the most terrible Indian enemies of the French in the South. Indeed, due to the simultaneous defeat of d'Artaguettes supporting army from the North in the same campaign, the French in lower Louisiana were left with only the friendly Choctaws as a screen between their settlements and the seat of the Chicasas in what is now

¹Histoire de la Louisiane, I. 335-8.

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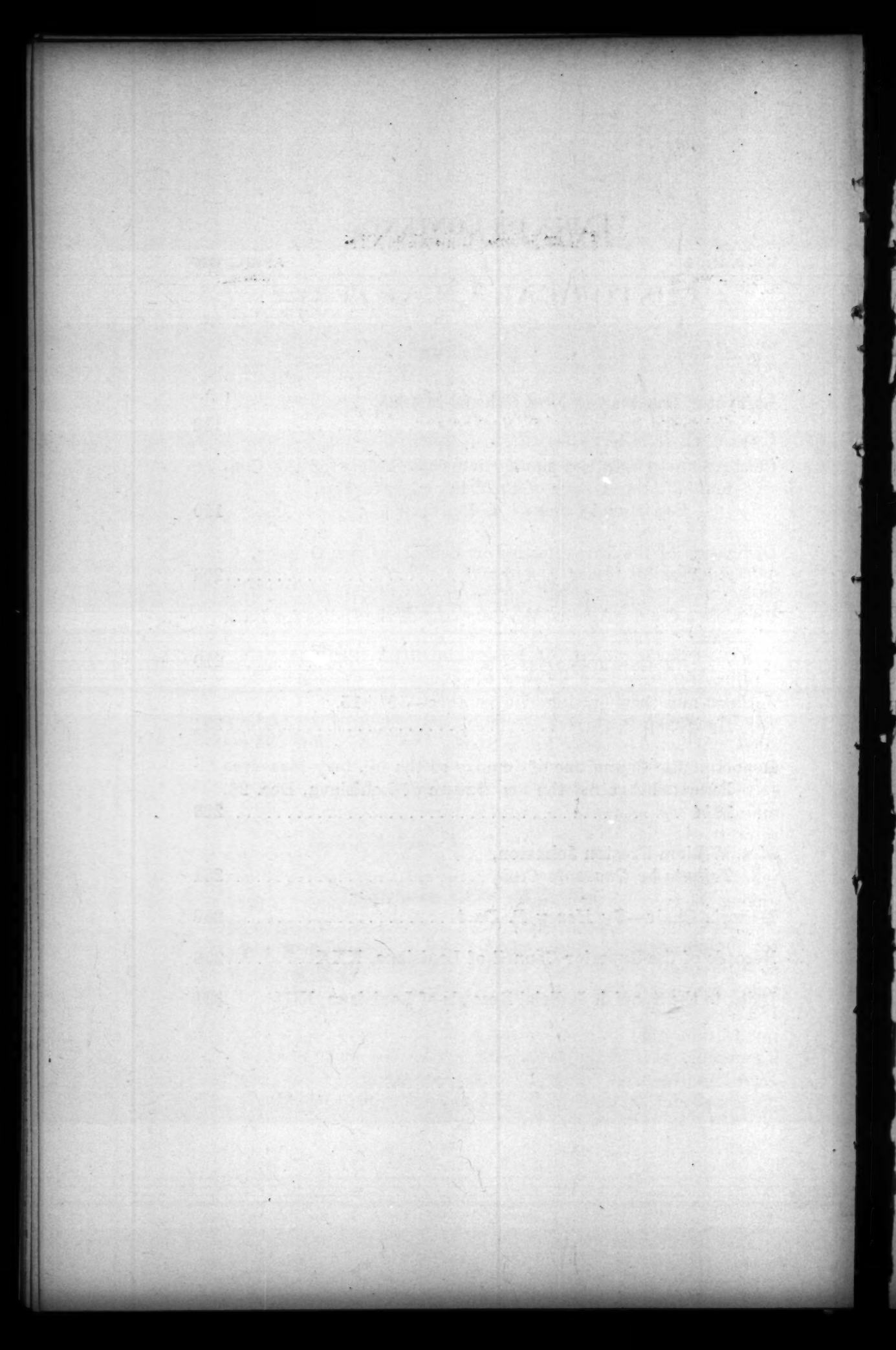
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central and northern Alabama, Mississippi and Southern Tennessee.

Bienville had not only been outgeneralled but he had suffered loss of prestige as a military commander in the field. His dispatches to the home government at this time are perhaps the weakest of all Bienville's writings. The scathing criticism of the campaign by d'Artaguet, commander at Mobile and father of the young soldier burnt by the Chicasas in this campaign was another thorn in Bienville's flesh and the student of the incident is impressed with the feeling that Bienville had not only lost confidence in himself but had suffered an equal abasement in the opinion of his officers and soldiers, an opinion that became a final judgment in the subsequent campaign of 1738-40. In this atmosphere one would imagine Bienville would have turned with relief to some constructive home task that would take his mind away from the mortification and mental suffering that unquestionably was more nerve racking than any physical wound.

As we have shown, history gives but little light on this subject, but it is now developed by the records of the Superior Council and confirmed by the original documents in France, that Bienville did in fact devote a large portion of the year 1737 to his personal affairs and his work gives us a new slant on his character. Perhaps he had done all that could have been done for the sufferers of his war, and perhaps too there was nothing more to be done, but it is curious that in a time of such public suffering Bienville should be found turning aside to labors for his own personal aggrandizement, however well merited in their origin or proved in the result. He in fact used many days (1) in an endeavor to recover from the Liquidators of the Company of the Indies back pay and allowances from 1718 to 1724 including compensation for a tract of land opposite New Orleans used by the Company as a depot for the slaves brought in by the Company during Bienville's first term as governor; and (2) an elaborate accumulation of evidence to prove his title to the lands granted to him by the Company in 1719 above and opposite to New Orleans. This last work was the preparation of proof for use before the Council of State in Versailles in an attempt to revise or qualify the judgment rendered in 1728 cancelling these grants and returning them to the public domain.

The back-pay incident was evidently a matter of profound temporary interest to Bienville and he urged it with zeal and

persistence before his friendly coadjutor, Salmon, the Commissaire Ordonnateur, who in 1730 succeeded Bienville's enemy and prosecutor, the vigorous delaChaise, whose report upon Bienville caused his downfall in 1724.² The story of this reclamation is here told for the first time and is based upon the original document in Bienville's handwriting recently found in the Archives of the Superior Council in the Louisiana State Museum at the Cabildo in New Orleans. The affair of the Concessions that occupied so much of Bienville's time in 1737 is a much more important topic and will be made the subject of a later paper, accompanied by copies of all the documents prepared by him, for use in France. When these records are printed the people of New Orleans will have a full and authentic history of Bienville's famous land transactions that covered the original title to all the land stretching from Bienville Street to Southport and on the other side of the river from the center of Algiers to a point some sixteen miles below.

Returning to the back-pay transaction, we find in the papers bearing on that incident several interesting things, thus it is shown that a part of the present site of Algiers in the neighborhood of the great point that deflects the course of the river, was the landing place and slave yard for all the slaves brought into Louisiana by the Company of the Indies. This was a tract of fifteen arpents front on the river and it appears that the Company took this from Bienville who had acquired it in the grant of 1719 that will be examined in the paper to be hereafter printed on that subject. In the document printed with the present article, Bienville (in 1737) asserts that he ceded this to the Company, expecting compensation for the same, because the Company had expressly announced it would never take for itself any land belonging to the people and held under the Company's Concession and that he, Bienville, being the owner of this particular tract was within the purview of this public declaration of his grantors.

The date of his cession to the Company is not given but the slavery activities of the latter at New Orleans certainly did not begin before 1722 when the capital of the colony was fixed at that place, so it is fair to assume the use of this tract was taken over shortly after that period. Bienville paid nothing for the land, he left the colony in 1724-5, and it was only in 1728 that all

²Dart, *Politics in Louisiana, 1724*. *La. Hist. Quarterly*, Vol. 5, p. 298 (July, 1922).

his holdings were forfeited by the decree of the Council of State. We may safely assume therefore that the conversion by the Company occurred between 1722 and 1724. Bienville in his petition does not fix the amount to be allowed him as the value of this land, but J. B. Faucon Dumanoir, the Agent of the Company, endorsed on Bienville's petition (in 1737) a recommendation that he be allowed 288 livres for the same. This small allowance is about \$57.60 of our money plus the difference in purchasing power of a dollar two hundred years ago. But fifteen arpents of river front at Algiers by the whole depth to the swamp would today be worth several thousand times the price of 1737.

Other interesting things shown in this document are that Governor Bienville as one of the Directors of the Company in Louisiana was entitled besides his salary to an allowance of 1000 livres per annum for cost of lodging. In the document under consideration Bienville claims 1500 livres per annum on this item and alleges he was not paid for the years 1722, 3, 4 and a part of 1725. His plea is that notwithstanding the allowance mentioned to the Directors and particularly to delaChaise (who was in those years more powerful than Bienville), he, Bienville, is entitled to 1500 livres per annum or 5250 livres for the years in question. Dumanoir, however, recommended an allowance of 2600 livres therefor,—about one-half.

Bienville also alleges that his salary was at the rate of 5000 livres per annum and that this accrued from the date of his commission as Commandant General, namely, September 20, 1717. That this was approved by Sieurs dela Chaise and Du Saunoy, Commissioners sent here to audit the accounts and it was ordered to be paid by the Council, but notwithstanding this, the Company paid him only from January, 1718, leaving still due him the salary for eight days in September and for the whole of October, November and December, 1717, amounting to 1348 livres 17 sols 9 deniers. Dumanoir made no recommendation on this item.

He also claimed reimbursement of 1000 livres paid by him for the salary of his secretary from January 1, 1718, to August 31, 1719, at 600 livres per annum. The Company he claimed had withheld this on the ground that tho' he had been authorized to employ a secretary, the order therefor did not reach Louisiana until August, 1719. Mr. Dumanoir allowed 700 livres on this item. Whether the Liquidators ever paid these sums or any part

of the same is not shown by our papers but the purpose was clearly to present the issue and obtain action in Louisiana and thereafter to await the judgment or approval of the authorities in France.

BIENVILLE'S PETITION FOR BACK PAY AND ALLOWANCES ADDRESSED TO SALMON, COMMISSAIRE ORDONNATEUR OF LOUISIANA AND CHARGE DES AFFAIRES OF THE COMPANY OF THE INDIES.

Transcribed and Translated by Heloise H. Cruzat.

I.

TRANSLATION.

"To Monsieur de Salmon
Commissioner Ordonnateur for the King
in Louisiana and Charge des Affairs of the Company of
the Indies.

"Monsieur:

The Sr de Bienville has the honor to represent to you that having been Commandant General of Louisiana for the Company of the Indies during a part of the time that it held this Province, he has not been paid by it for the cost of his lodging during the years 1722,23,24, and part of 1725. That it was, however, the rule that in the quality of Commandant and Chief Director in the said Company, an allowance was made for this as it has made to all its Directors and particularly to Sr. De La Chaise at 1000^{ls} per year wherefore the said Sr de Bienville claims again for the three and a half years at the rate of 1500^{ls}, for each, the sum of five thousand two hundred and fifty livres. here 5250^{ls}

2d page
of
original

Moreover that the King dispatched to him his Commission as Commandant General the day His Majesty conceded this Colony to the Company, that is, from Sept. 20th, 1717. The Company however has paid him his salary at the rate of 5000^{ls} per year only since January 1st, 1718, withholding contrary to the order of Council approved by Sieurs de la Chaise and du Saunoy, Commissioners sent here for the accounts, the sum of thirteen hundred and forty-eight

livres, seventeen sols, nine deniers, from the said salary during the last eight days of September and the months of October, November and December 1717. That during this time the said salaries should run from the day of the date of the said Commission the Company never having decided anything contrary to said order:

3d page
of
original

Wherefore the said Sr de Bienville claims again the said sum of 1388^{ls} 17 ^s 9 ^d.

The Sr de Bienville also claims the sum of one thousand livres for his secretary's salary during twenty months, at the rate of six hundred livres per year, from January 1st 1718, to and including the last day of August 1719; the Company having deducted from his account decreed, salary of twenty months, under pretext that the order given to Sr de Bienville to engage a Secretary at the said salary could not have reached Louisiana before the end of the said month of August 1719, here. 1000^{ls}

4th page
of the
original

Plus a sum of forty-eight livres that the Directors made Sr de Bienville pay for 36 lbs of gunpowder consumed at his feast the eve of St. John the Baptist's day in 1724, without Mr de Bienville having given any orders, in proof of which he will remit the receipt of Sr Bru, Cashier of the said Company, dated March 28, 1726, of the sum of 48^{ls} 48^{ls} amounting all the said sums together to that of seven thousand six hundred and eighty-six livres, seventeen sols, nine deniers, here 7686^{ls} 17^s 9^d.

5th page
of the
original

The Sr de Bienville has the honor to state moreover that when the Company acquired this Province it declare openly in order to quiet the Concessioners and other residents in their possessions that it would never take for itself any land in the country and gave its orders in consequence to its Directors in the Colony; nevertheless having subsequently found itself in need of a place to land its negroes, the Sr de Bienville ceded to it a tract of 15 arpents frontage on the Mississippi, situated on the other side, opposite New Orleans. This land had been conceded to him here on the 27th of March 1719; and this concession was confirmed by the Directors of the Company at Paris February 6th, 1720: that he was again confirmed in possession of the said land by a decree of Council of February 9th, 1724; however

6th page of the original the Company has never compensated him for the said tract though at the time it had given an order to its Directors here to do so, that afterwards it ceded this land to the King without regard for the titles and rights of Sr de Bienville, which however he has never relaxed (released) by any act to the contrary.

Consequently he demands that you adjudge to him such compensation (dédommagé) as you will deem suitable and equivalent to the said land and will do justice.

At New Orleans, the 29th of April, 1737.

Signed: Bienville.

It is to be noted that Mr de Bienville had with the Company an account of almost one hundred thousand francs in which were included fifty negroes at one thousand francs each, and that he paid the whole in full without enjoying the benefit that it now gives to those who are indebted to it since more than twenty years, of one half reduction.

Signed: Bienville.

Let it be communicated to the Agent of the Company of the Indies. This 4th of May 1737.

Signed: Salmon.

7th page of the original The Agent of the Company answers that it would seem just that there be allowed to Monsieur de Bienville for all damages under the paragraph of his demand on their valuation, to wit: for his lodgings, a sum of two thousand six hundred livres, and for salary of his Secretary that of seven hundred livres, for his land that of two hundred and eighty-eight livres, to be paid to him from the first funds received by the Company of the Indies. At New Orleans, on the said day and year above mentioned.

Reply of the Company's Agent

Signed: JB Faucon Dumanoir,

II.

TEXT OF ORIGINAL.

"A Monsieur de Salmon
Commissaire Ordonnateur Pour le Roy
a La Louisianne et Charge des affaires
de la Compagnie des Indes.

Monsieur

Le Sr De Bienville a l'honneur de
Vous représenter qu'ayant été Commandant
General de La Louisianne pour la Compagnie
des Indes pendant une partie du temps qu'Elle
a possédé cette Province Il n'a point été
payé par Elle des frais de son Logement
pendant Les années 1722.23.24. et partie
de 1725. Qu'il étoit cependant de toute
Regle qu'en qualité de Commandant et
de premier Directeur pour la d^e Compagnie
il luy fut passé par Elle un Loyer ainsy
qu'elle en a passé a tous ses Directeurs
Et particulièrement au Sr De La Chaise a
1000^l par an, || par quoy led^t Sr de Bienville
repette pour lesd^{es} trois années et demye a
raison de 1500^l par chacune La somme
de Cinq Mille deux Cent

Seconde
page de
l'original.

Cinquante Livres, cy
De plus que le Roy luy
ayant fait expédier ses
provisions de Commandant Général
du jour que sa Majesté conceda
cette Colonie a la Compagnie
cest a dire du 20:7^{bre} 1717 La
Compagnie ne luy a cepend^t
payé Ses appointements a
raison de 5000^l par an que
depuis le 1^{er} Janvier 1718, luy
retranchant contre L'arresté du
Conseil Visé par les Srs La Chaise
et Du Saunoy Commissaires envoyés
icy pour Les Comptes, La Somme
de Treize Cent Quatrevingthuit

5250^{ls}

Troisième
page de
l'original.

Livres dix Sept Sols neuf deniers
pour les d^{ts} appointements
pendant les 8 derniers jours
de Septembre et les mois d'Octobre
Novembre et Decembre 1717, Que
Cependant Les d^{ts} appointements
devoient courir du jour de datte
de ses provisions, La Compagnie
n'ayant pour lors rien statué
de Contrairie a cette Regle.
Par quoy led^t Sr De Bienville
repette Lad^e Somme de 1388^{ls}
17^s: 9^d: Cy

1388^{ls}:17^s:9^d.

Repette pareillement Le Sr De
Bienville La Somme de Mille
Livres pour Vingt mois des
appointements de Son Secretaire
a raison de Six Cent Livres
par an depuis Le 1^{er} Janvier
1718 jusques et compris le dernier
Aoust 1719: La Compagnie
ayant retranché de son compte
arreté Lesd^{ts} Vingt mois d'appoin-
tements Sous pretexte que
L'ordre qu'elle donna au Sr De
Bienville de prendre un Secretaire
aux dits appointements n'avoit
pu arriver a la Louisianne
que Vers La fin dud^t mois
d'Aoust 1719: Cy

1000:

Quatrième
page de
l'original.

Plus une somme de
Quarante huit Livres que
Les Directeurs ont fait payer
au Sr De Bienville pour 36^l:
de poudre qui furent consommées
a Sa fette La veille de St Jean
Baptiste en 1724, Sans que le
Sr de Bienville en eut donné
aucun ordre. Au moyen de
Quoy Il remettra la quittance

Au Sr Bru Caissier de la Compagnie
dattee du 28^e Mars 1726 de
Lad^e somme de 48^{ls}: Cy
Montant toutes lesd^{es} sommes
ensemble a celle de Sept
mille Six Cent Quatre Vingt
Six Livres dixsept Sols Neuf
deiners Cy 7686^{ls} 9^d.

48

Le Sr. De Bienville a L honneur de
Cinquieme Vous représenter encora que Lorsque
page de La Compagnie acquit cette Province
l'original. Elle declara hautement pour tranquiliser
Les Concessionnaires et autres habitants
Sur leurs possessions qu'Elle ne prendroit
Jamais pour Elle meme aucun Terrain
dans le pays et donna ses ordres en
Consequence a Ses Directeurs dans La
Colonie, Que Cependant s'étant trouvé
ensuite dans le cas d'avoir besoin d'un
endroit ou débarquer Ses Negres, le Sr
De Bienville luy ceda un Terrain de
15 arpents de face sur le Mississipi, Situé
de L'autre coté et en face de la Nouvelle
Orleans, Que ce Terrain luy avoit ete
concede icy le 27 Mars 1719: et cette
concession confirmée par les Directeurs
de la Compagnie a Paris Le 6 fev^{er} 1720:
Qu'il avoit eté confirmé encore dans
La possession dud^t terrain par un Arrest
du Conseil du 9^e fev^{er}: 1724, Que Cepend^t
La Compagnie ne l'a jamais dedommagé
pour led^t Terrain quoy qu'elle eut
Sixieme Donne ordre alors a Ses Directeurs icy
page de de le faire, qu'Elle a ensuite Cedé ce
l'original. Terrain au Roy Sans avoir égard
aux titres et droits du Sr de Bienville
auxquels Cepend^t il n'a jamais devoyé
par aucun acte a eux contraire.
En consequence de quoy il requert
que Vous luy adjugiés tel dedomagement

que Vous Estimerés Convenable et
Equivalent aud^t Terrain et ferés
justice. A la Nouvelle Orleans
Le 29 Avril 1737:

Bienville

Il est a observer que Mr De Bienville
a eu avec La Compagnie un Compte de
pres de Cent mille francs dans lequel etoient
Compris Cinquante Negres a mille francs piece
Et qu'il a payé le tout en plein Sans jouir
du Benefice qu'elle a fait apreseent a ceux qui
luy doivent depuis plus de Vingt ans de
moitié de diminution.

Bienville.

Soit communiqué a l'agent de la C^{me}
des Indes. Ce 4 may 1737. Salmon.

L'agent de la Compagnie

Septieme
page de
l'original.

Repond qu'il paroisteroit Juste qu'il fut accordé
a Monsieur De Bienville pour tous dedommagements
Sur les articles qu'il demande qu'on estime Scavoir
pour ses Logements, une somme de deux mille Six
cent Livres, et pour les appointements de Son Secretaire
celle de Sept Cent Livres, et pour son terrain
celle de deux cent quatre Vingt huit Livres, pour luy Etre
payés des premiers fonds qui Rentreront a la
Compagnie des Indes. Ala Nouvelle Orleans led. Jour
et an que dessus, JB Faucon Dumanoir.



JACKSON AND THE LOUISIANA LEGISLATURE—1815

The Quarterly reprints in this issue a very rare pamphlet embodying the investigation and report of the Louisiana Legislature on the closure of its Sessions by General Andrew Jackson on December 28, 1814. This English copy of the Report was not known to Mr. Gayarre who bases his account of the affair (4th His. La. pp. 541, Edition 1903) on a French text translated by the author from the original journals of the legislature.

We owe the present copy to the kindness of Mr. William Beer who was permitted to photostat a copy in the possession of the widow of the late John Bigelow. Our reprint is from this photostat and the latter has been presented to the Louisiana State Museum in New Orleans. It is a unique document and the Quarterly is to be congratulated on this opportunity to preserve it for general use.

The literature on the subject includes Mr. Gayarre's story of the affair in his *Essai Historique* 2, 173 Chaps. 17 and 18 (N. O. 1830-1), and his English history of Louisiana (4, pp 539-564, Edition 1903). The reader will also consult Martin (*Hist. of Louisiana* 2, 362-371, New Orleans, 1829). Further studies would include the documents printed in the Quarterly (5509 Oct., 1922) covering the Report of the Senate of Louisiana on the Refunding of Jackson's fine for contempt of the writs of habeas corpus issued by Judge Hall in the U. S. District Court of Louisiana, printed in 1848, and translated and reprinted in the Quarterly (Vol. 6, p. 60-Jany., 1923). There is also printed in Gayarre's *Essai* the French text of the Report printed here in English and also of the Resolution of Thanks adopted by the Louisiana Legislature in 1815, in which everybody except Andrew Jackson was fulsomely praised for services in the campaign. An English copy of this resolution will be found in the Appendix Laws of Louisiana (1815, pp 100-110). Besides all these original documents and local histories, every writer on Andrew Jackson has had something to say on the subject of the controversies excited by his management of affairs in Louisiana behind the battle line. The Campaign of 1814-15 was fought indeed, not only with bullets but with printer's ink.

The armed interference with the Session of the Legislature was only one of the vivid and spectacular incidents of the time and the Legislative Report on the subject is worth reading even though it acquitted General Jackson of any wrongful intent and placed the blame on two citizens of New Orleans who it is found by the Legislative Committee were moved by fear and apprehensions that had no reasonable or substantial basis.

The whole subject of Jackson's adventures in New Orleans aside from his contact with the armed foes of the country should be rewritten in the light of the research and study of the last hundred years and the Quarterly would welcome a paper of that character.

ED. LA. HIST. QY.

REPORT
OF THE
COMMITTEE OF INQUIRY,
ON THE
MILITARY MEASURES
EXECUTED AGAINST THE LEGISLATURE
OF THE
STATE OF LOUISIANA,
THE 28th OF DECEMBER 1814.



NEW-ORLEANS,
Printed by ROCHE, Brothers, Royal street.

1815.

REPORT

Of the COMMITTEE to whom, by a resolution of the two Houses of the Legislature of the State of Louisiana, passed on the 5th of January 1815, was committed the investigation of the cause of the military measures employed against the General Assembly of the said State, during their present session.

THE Committee have thought it their duty, previously to their entering on the investigation committed to them by the resolution of both houses, to cause to be laid before them:

1st. The extract of the journal of the senate bearing date the 30th of December 1814;

2dly. The resolution of the general assembly, by virtue of which a committee was appointed to wait on major-general Jackson, and inquire of him concerning the motives which had induced the adoption of the military measures employed against the assembly, on the 28th of the said month;

3dly. The answer returned by general Jackson, to the said committee, pursuant to the said resolution.

4thly. The resolution passed by the senate & house of representatives on the 3d of January 1815, pursuant to which the governor of this state was called on to give a statement of the manner in which the order relative to the said measures had been given;*

5thly. The answer returned by the governor to the questions contained in the said resolution.

From a perusal of these documents will be seen, what, in the opinion of the committee, is unprecedented in the annals of free and independent America, that on the 28th of December 1814, an order was given for the placing of an armed force at the doors of the building in which the legislature of this state hold their sessions, which armed force was to hinder the members from meeting, and even to fire on them, should they dare to persist in that design. It will further be seen, what in a country like ours is equally astonishing, that this arbitrary order, this order subversive of all the principles of our government, was executed by citizens, who ought to have known that no one is bound to obey

*The numerals appearing in the body of the text are inserted to indicate the pagination of the original document.

With this exception the text is followed accurately in every respect.—ED. LA. HIST. QY.

orders of such a nature. But all those documents united were insufficient to ascertain the manner in which the order in question had been executed. The committee found it therefore necessary to procure information on that subject; and with this view they caused to appear before them the honorable Levi Wells, representative for the county of Rapides.

From his deposition, it appeared to the committee, that if the order in question had been given by those very persons, who, considering their station and the oath by which they are bound to support our institutions, ought to have shuddered at the very thought of such a measure; it was executed with such zeal and promptitude as were never exceeded by the soldiers of those tyrants, whose will is their sole law, in the execution of their orders. It results indeed from this member's deposition, that the life of a representative of the people, was exposed to the greatest danger; that² a centinel, to hinder him from repairing to his post, presented his bayonet to him, threatening to run him through with it, unless he retired; adding to this outrage the most insulting tone. Thus, then, the citizens of a republic, armed for its defence against foreign enemies, blindly became instruments of violence offered to the national representation, in executing a measure fraught with the dissolution of the government.—Afflicting truth! may we never more behold thy presence.

Being in possession of these facts, the committee caused to appear before them colonel Fortier the son, and brigadier-general Labatut. The former is the person, who, according to the answer of the governor of this state, had transmitted to his excellency the order pretended to have been issued by major general Andrew Jackson; the latter is the person, to whom had been committed the execution of the said order.

These two facts were fully established by the depositions of these gentlemen. The only material difference existing between the statement in these depositions, and the assertion of the governor, is, that the latter positively declares that the orders given to the guard placed at the doors of this building, were entirely countermanded on the very evening of the same day, the 28th of December; whereas general Labatut declares that they were in force until the next morning. Any remark on this contradiction, might perhaps be out of season; the committee are not inclined to presume that the persons between whom it exists, had either

occasion, or desire, to betray the truth; that contradiction doubtless proceeds from some negligence, either in the chief, or in the subordinate officer.³

The committee already knew, from the answer of major-general Jackson, that his volunteer aid, Mr. Abner L. Duncan, professing to be the bearer of a message from the governor of this state, had announced to him the strange tidings which occasioned the arbitrary order in question; but the committee learned from the deposition of colonel Fortier, that the same aid, professing to have been sent by general Jackson, to transmit his orders to governor Claiborne, had charged the said Fortier with that commission; that is "to order the governor to cause a "strong guard to be stationed at the door of the house of the "legislature, and to employ the armed force in hindering the "members from meeting."

The committee saw then, on the one hand, that general Jackson, as appears from his answer to the first resolution of both houses, had given no order of that nature to his aid, Mr. Duncan; whilst, on the other hand, it appeared evident to them, that the governor, according to his answer, above referred to, had sent no message for general Jackson, relative to that transaction, either by colonel Declouet or any other person.

Such glaring contradictions required some explanation. To obtain this, the obvious means was to examine Mr. Duncan, and the committee would have accordingly caused him to appear before them immediately; but as, according to the declaration of general Jackson, Mr. Alexander Declouet was the person from whom Mr. Duncan had said he received the alledged message from the governor, the committee thought fit to examine Mr. Declouet first, and to send for Mr. Duncan afterwards.

Conformably to this determination, the committee⁴ caused a letter to be written by their chairman, to major-general Jackson, requesting him to order colonel Declouet, then under his command, to attend the committee. To this letter which was delivered to the general, together with a copy of the resolution of both houses, bearing date the 5th of January; the general replied that "any officer, in the army he had the honour to command, whom "the committee might choose to summon, would obey their order; "& that as soon as colonel Declouet should receive the summons, "he would be permitted to attend them."

Mr. Declouet was accordingly summoned next day, January 7th, to appear on the following Monday, the 9th, to answer the questions that might be put to him relative to the military measures executed against the legislature on the 28th December. That day expired without this gentleman's having appeared; and on the next day, January 10th, the committee having learned that he called in question their authority, caused him to be served with another summons to appear on the 11th, together with a copy of the letter which major-general Jackson had written to them on the 6th of the same month, the substance of which has been communicated to you. Both were duly served on colonel Declouet, and the committee, though not a little surprised at his conduct, flattered themselves that he would no longer delay to appear. Yet the 11th elapsed without his having appeared. Mr. Declouet chose rather (his motive is unknown to the committee) to send at last, to the legislature, under a cover addressed to the speaker of the house of representatives, a letter dated January the 7th, bearing the following superscription, "The sending of this "answer has been retarded by" reason of the attack we have had "on the 8th, and which must suffice for the two calls" meaning probably that that letter must suffice to answer to the two summonses from the committee.

Colonel Declouet's letter was referred to the committee, by the house of representatives. Here are its contents, which it is not immaterial to transcribe.

At the camp, the 7th January 1815.

"Gentlemen of the two Legislative Houses,

"The apprehension of an attack from the enemy on this "bank, which keeps me day and night on foot, does not permit "me to quit my post, without a special order from the general in "chief; but desirous of answering to your resolution, I am going "to do it, as follows. On the day from the 27th to the 28th of "last month, I slept on the plantation of one of my brothers, and "after having perceived the alarm depicted on the countenances "of the afflicted of this city, I had a conversation with one of "the respectable of your house, whom the scourge of war made "to apprehend the unhappy consequences, that have been but "too much realised. From that moment I apprehended a capit- "ulation of the legislature, which could not but have occasioned "a division in the colony, as ruinous as disastrous;* I set out on "the 28th to impart my apprehensions to general Jackson, but

"before I arrived, there was an engagement which did not permit
"me to see him. I met his aid-de-camp, Duncan, and I requested
"him to act for me with general Jackson. Nobody, sir, of your
"body, has communicated to me that the intentions were to do
"any thing positive; my steps were founded only on apprehen-
"sions of a division which I have always feared^e since we are
"menaced with war. I own to you that if I had been sooner
"apprised of the good intention and of the beneficent conduct
"of the legislature, my apprehensions would not have been the
"same: If I have been in an error on this occasion, it is only
"through an excess of patriotic zeal with which you are animated
"yourselves, and which is proved by the conduct of the two
"houses, which I was ignorant of at that time. What remains
"for us to do now? To concur together towards the continuation
"of a defence no less supported than well combined, as we have
"done till this moment. This, Gentlemen, is my answer, which,
"I flatter myself, must suffice to any well-intentioned body, as
"you have demonstrated at your last sitting.

I am with consideration,

your affectionate servant,

(Signed)

DECLOUET.

It is doubtless very flattering for the senate and house of representatives of the state of Louisiana, to see colonel Alexander Declouet become, at last, the panegyrist of their *patriotic zeal*, from the tardy knowledge he has acquired of their *good intentions* and of their *beneficent conduct*; and it is matter of regret that whilst, even prior to the arrival of general Jackson, the general assembly was employed in ascertaining all the means of defence that could be derived both from our resources, and our local advantages, and in forming a plan of measures accordingly, no one thought of informing this colonel of those proceedings. Nor is it less deplorable, that he was not specially informed of the sums which the legislature had committed to the disposal of the governor of the state, towards providing for resis^ting the enemy, and to clothe such of our brave fellow citizens of the neighbouring states, as had flown to our assistance, & were destitute of clothing. These precautions, had it been practicable to observe them with regard to colonel Declouet, would have prevented his judging so

^eAs already noted, we are reprinting this whole document accurately and without change in any respect.

unfavourably of the senate and house of representatives. He apprehended that we would deliver over the country to the enemy, only because he knew not in what concerns we had been engaged. Generous avowal! noble candour!

On the reading of this letter, the committee, little satisfied with its contents, not being able to discover in it, any glimpse of that truth after which they were appointed to inquire; not finding any means to reconcile the assertions of its author with those tidings transmitted by Mr. Duncan to Mr. Fortier, and by the latter to the governor, as appears from their respective declarations, "The legislature are to meet for the purpose of delivering over the country to the enemy; general Jackson has been informed of the fact," tidings which Mr. Duncan had said he received from Mr. Declouet himself, as governor Claiborne's messenger, according to the above mentioned answer from general Jackson; the committee thought proper to apply a second time to the general, sending him a copy of Mr. Declouet's letter, and requesting him to give, or cause to be given, such an order as would compel that gentleman to appear before them.

At length, on the 12th of January, colonel Declouet appeared for the first time. In his examination, which will be laid before you, with all the other documents, he declares on oath, that "he does not know whether he told Mr. Duncan that the legislature were about to deliver over the country to the British, or only that he had apprehensions lest they should do so; but that he knows that his sole intention was to charge him to impart his apprehensions to general Jackson, such as he wrote to you in his letter which, (says he) contains the whole truth."

Behold then colonel Declouet, who on the 12th of January, no longer knows what he said on the 28th of December, but who well remembers the intention he had on that day, in speaking to Mr. Duncan, and who refers on that subject, to his letter of the 7th of January, which *contains the whole truth!* Now, on reperusing that letter, we see that he says, he intended only to impart his apprehensions; we see nothing positive, nothing declaring that the legislature were about to capitulate, and, in a dastardly spirit, to deliver over the country to the enemy.

Mr. Declouet further declares on oath that he was never desired by any person to make that communication to general Jackson, and that he made it from his own spontaneous motion.

He declares that he never said, nor ever thought, that any proposal of a treasonable tendency, had been made to him; he denied that any such proposal had been made to him, and affirmed that he knew not that any such had been made to any one. And the committee must press upon your attention, that being asked how it was to be accounted for, that he had conceived such apprehensions as he wished to impart to the general, if no treasonable proposal had been made to him, or if he knew not that such a proposal had been made to any one; colonel Declouet answered merely "that he had always apprehended, from the very commencement of the war, that a good understanding did not sufficiently prevail in the community, and that there existed a "division of opinion" whence it is reasonable to conclude that the colonel has ever been tormented with fears, to himself unaccountable; resembling, in this particular, those scourges of society, who dream of nothing but perfidy and treason on the part of those with whom their restless and turbulent mind does not permit them to sympathize, or whose views do not in every thing accord with their own.

The committee further think proper to call your particular attention to this point: that when pressed to declare "whether, "and how he could have ever thought that the legislature was "composed of traitors capable of delivering over the country to "the British; because he had apprehended from the commencement of the war that there existed a division of opinion:" Mr. Declouet replied "that he had thought division prevailed in the "legislature, as it usually prevails in all deliberating assemblies, "and that, as he is master of his apprehensions, he feared lest the "legislature might be inclined to capitulate, rather than to see "the city destroyed, reduced to ashes, and drenched in blood; and "that moreover, as, by that capitulation, he did not see an end "to the war; and as new armies would come from the upper "states, to reconquer the country, he was terrified at the consequences of the division which he apprehended; and never said "to any one that there were traitors in the legislature."

The committee beg leave to analyse this part of colonel Declouet's declaration—1st. *He thought that division existed in the legislature, as it exists in all deliberating assemblies."*

So far, we agree with him; and if heaven permits him¹⁰ to live much longer under a government like ours, where the opinion of

every individual is free, and may be freely expressed, where, above all, no representative of the people can be called to an account for the sentiments he utters in the discussion in which he takes part, in the body to which he belongs, it is probable he will ever see the existence of that division which he apprehends, especially when the matter in question is merely some object of legislation, on which, each member usually thinks and speaks according to the particular interest of his respective constituents.

2dly. *As he is master of his apprehensions, Mr. Declouet thought that the legislature would be inclined to capitulate rather than see the city destroyed, reduced to ashes, and drenched in blood.*

What! Had the legislature then no other alternative? Could the colonel believe it? Was our situation so alarming? Who had given him such information? Strange blindness! Hardly had the enemy contaminated our soil with his presence, when a handful of our brave defenders attacked and beat him; ever since that event powerful reinforcements were continually arriving from all quarters; never had there existed in this country so many motives of confidence; never had there been witnessed elsewhere so much union and devotedness.

But admitting that there remained to us no other alternative but to capitulate, or see the city destroyed, reduced to ashes, and drenched in blood, had it been decided that the latter alternative alone was to be embraced, and that he who, to avoid it, should wish to capitulate, would be an enemy to his country. It is doubtless glorious to bury oneself under the ruins of a city rather than to surrender it to the enemy, but the man was never¹¹ a traitor, who being no longer able to resist a barbarous and victorious enemy, sought, by an honorable capitulation to preserve to his children the roof under which he first saw the light.

What necessity was there then, to impart such apprehensions to him in whose hands the destiny of the state was placed? And moreover, why say in such a case "I apprehend lest the legislature should capitulate with the enemy" without adding "because I fear they will not consent to see the city destroyed, reduced to ashes, and drenched in blood," surely it is probable that a communication of that kind would never have made the slightest impression on any one; at least never could have had the slightest appearance of a base denunciation.

But one reflection ought to have struck colonel Declouet, and to have opened his eyes to see the absurdity of his apprehensions, and the inconsistency of his conduct. The victorious army of major-general Jackson occupied an inexpugnable position between the legislature and the enemy. Nobody could pass that position without being stopped. There could therefore be no manner of communication between the enemy and the legislature. Moreover, how could a capitulation have been executed? Would the general in chief have abided by it? It would then have been necessary for the enemy to pass over the bodies of our defenders, of our brothers, of our children to come and take possession of the capital, sold to him by us.

3dly. *As by that capitulation (says colonel Declouet) I did not see an end put to the war, and as new armies would come from the upper states to reconquer the country, I was terrified at the consequences of the division I apprehended.*¹²

So that, had the capitulation been likely to put an end to the war, the colonel would not have been terrified. Had there been no probability of troops coming from above, to reconquer the country, his mind would have been at ease, as to the consequences of the division that he apprehended!!

4thly. *I never said to any one (continues he) that there were traitors in the legislature.*

Is it then a fact that colonel Declouet does not know import of the terms he uses? What difference is there between saying "The legislature are about to capitulate and to deliver over the country to the British" (when every thing led us to believe that the enemy once already beaten, would be again defeated) and saying "There are traitors in the legislature?" But it was not Mr. Declouet's intention to make either of these assertions: all he intended was that the commander in chief should have knowledge of his apprehensions, and his apprehensions, as has appeared from his letter, proceeded from his "*being ignorant of the good intentions of the beneficent conduct of the legislature,*" and, as, has appeared from his declaration on oath from his fearing that "they would not be willing to submit to see the city destroyed, "reduced to ashes, and drenched in blood."

On the 13th of January, the committee having received indirect information that it was believed that colonel Declouet had said that proposals had been made to him by certain persons for

the purpose of inducing him to join some conspirators, whose design was to commit some hostile acts against the government of the United States, or to aid and assist its enemies, or to make common cause against it with the *British* or the *Spaniards*, caused the said colonel to appear a second time before¹³ them, and examined him on that subject. His answer to the question relative to those pretended proposals, is well worth being read: he is at first offended at any one's presuming to put to him such a question, and then formally denies that any such proposal was ever made to him. The committee readily give to this negation full and entire credit; the more so, as from that day nothing more has been heard of that pretended conspiracy; and as the persons who had contrived to have it suggested that it was expedient to examine colonel Declouet as to its existence, have observed on that subject the most profound silence.

But to what deplorable fatality is it owing, that at the very time when the inhabitants of this state, without distinction of origin, are vying with one another in zeal and patriotism, the existence of such a conspiracy has been suspected? How is it to be accounted for, that any one has dared to speak of it, when there neither was, nor could be the slightest proof or even presumption of its existence, except perhaps in the minds of those worthy individuals who, for these eleven years past, seem to be on no other pursuit so intent, as on defaming the people of Louisiana: And it is on this occasion, worthy to be remarked, that in several news papers of the United States there lately was published a defamatory libel against this very people, a libel in which the Louisianians are represented as ready to surrender to the enemy immediately on his approach. All reflection on the combination and coincidence of these shameful circumstances, were here superfluous. There is no person but perceives that they proceed from the workings of those malevolent spirits who have for so long a time been employed in endeavoring to establish in our country, distinctions, if not odious, at least of a very fatal tendency.¹⁴

Let us now return to colonel Declouet. On the same day, the 13th of January, the committee examined him as to the conversation he had had on the 27th or 28th of December with the member of the legislature of whom he spoke in his letter, and as to the name of that member; his answer was, "I refer to the letter

"which I wrote on the 7th of this month, to the speaker of the "house of representatives: the member with whom I had a conversation is Mr. Guichard, in whom I have as much confidence "as in myself, and I imparted to him my apprehensions." Now on reperusing that letter, we see nothing of that conversation; we do not see that the colonel imparts his apprehensions to Mr. Guichard; we see, on the contrary, that the latter is the person whom, according to the language of the former, "the scourge of "war made to apprehend the unfortunate consequences that have "been but too much realized." To what unfortunate consequences does the colonel allude? This is what the committee are at a loss to know; nor do they know how any one can apply, or that Mr. Declouet meant to apply, those terms to the memorable defeat of the British.

From this tissue of contradictions, from all these incoherent answers, from which it was difficult to collect any thing clear or certain, but which evidently shewed the embarrassment in which the colonel found himself, to justify in the eyes of reason, the inconsistent step he had presumed to take, the committee concluded that there remained to them only to examine Mr. Abner L. Duncan.

This gentleman was accordingly, on the same day, the 13th of January, summoned to appear next day, the 14th, before the committee. Mr. Duncan appeared at the appointed hour, and expressed a desire that the questions to which he was to answer, might be delivered to him in writing and that some time might be allowed him to draw up his answers.

The committee thought proper to comply with his desire; the questions were delivered to him, and on the 16th of the same month, he returned, and delivered in his declaration, to the truth of which he was sworn.

On examining the questions put to Mr. Duncan, and his answers to them, it will be seen that colonel Declouet had requested him, on the 28th of December, to inform general Jackson that "a plan was on foot amongst several members of the "legislature for the surrender of the country to the enemy; that "colonel Declouet had named to him in confidence, as he did to "general Jackson, and it is believed to general Morgan, and "major Robinson, several members, as persons determined on "making the attempt; and added that he had heard one or more

"of the members say, that general Jackson was carrying on a Russian war, and that it was better to save private property, by a timely surrender; and that he, colonel Declouet, had been invited to join in the measure."

It will also be seen that colonel Declouet had not told him, that he had been sent by governor Claiborne to make any communication to general Jackson; and that on Mr. Duncan's making the communication to general Jackson, the order he received from the general was (as far as the agitation he was in, permitted him to understand and remember) in the following words, "Tell governor Claiborne to prevent this, (meaning the making of the capitulation in question) and to blow them up (the members of the legislature) if they attempt it—that shortly after, he perceived colonel Fortier, and desired¹⁶ him, as the best means of averting the evil, to prevent the meeting of the legislature, even by violence, if necessary."

It will further be seen, that Mr. Duncan, in answer to the fourth question put to him, says "If the committee of both houses insist on it, I will give the names of all the persons named by colonel Declouet, as determined to attempt the surrender, and also state circumstances which had come to my knowledge, adding great weight to Mr. Declouet's communication, and inducing a belief that it was correct."

The committee, on reading this declaration, found it difficult to conceive how Mr. Duncan could entertain a doubt as to their insisting on that fourth question. Was that doubt sincere, or was it only an artifice which Mr. Duncan wished to imploy, with a view to put to the test the firmness of the committee? Did he think that the kind of threat it conveys, was capable of shaking the resolution of its members? Be it as it may, the committee testified their surprise at it, and that gentleman, perceiving perhaps that it was necessary to justify his expressions, added this oral declaration, "that he had not thought he ought to mention the names, and state the circumstances in question, in his answer, unless he were previously compelled to it, in a formal manner, by the committee! as those names had been (said he) mentioned confidentially, in presence of general Jackson, and he thought he ought, for that reason, to observe secrecy on that subject."

The committee therefore instantly passed, in presence of Mr. Duncan, the resolution which appears at the foot of that

gentleman's declaration, that he should answer such other questions as might be put to him, and¹⁷ particularly such as might arise out of his answer to the fourth question, that had already been put to him. And he was then interrogated as to the names of the "persons mentioned by col. Declouet, as being determined to "make an attempt to deliver over the country, to the British."

It surely will not be thought needless to transcribe here Mr. Duncan's answer to that important question. It is as follows, "colonel Declouet told me, that the plan had been first discovered "to him by the speaker of the house of representatives, Mr. "Guichard; he said so in the presence of general Jackson, and "of Mr. Davesac; that many other influential characters were "concerned in it, and that they had had several night or secret "meetings on the subject: he was pressed to give the names of "some of those influential men, and gave the name of Mr. John "Blanque, I think, Mr. Marigny, and generally those voting with "Mr. Blanque, in the house of representatives. I will not under- "take to give the names of any others, either in the senate or "house of representatives; but he did state there were many in "both houses. He also stated that, as an inducement to unite in "the plan, he was informed by Mr. Guichard, that general Jack- "son would destroy every thing before him, sooner than sur- "render the country, and that the British would respect private "property."

Mr. Duncan being interrogated *as to the circumstances which had come to his knowledge, and added great weight to colonel Declouet's communication*, answered at some length, but in a manner little direct, as will appear to every judicious reader, on a perusal of his declaration, annexed, with the other documents, to this ¹⁸ report; except in this "that persons returning to town "assured him that our lines were forced, and that he knew that "several members of the legislature were at those lines; and in "fine, that some members of both houses had assured him before, "that an attempt would be made to dismember the state of Lou- "isiana."

It will be seen, on a perusal of the other interrogatories and answers of this gentleman, that this pretended dismemberment of the state, was to have been, *as he had heard, an attempt to deprive that part of Florida annexed to Louisiana, of its representation in the legislature.*

It will be seen, in fine, that Mr. Duncan denies having transmitted to general Jackson Mr. Declouet's communication, as a message from governor Claiborne.

The variance which exists between Mr. Declouet's declarations and those of Mr. Duncan, are too striking to require to be pointed out. The matter here in question, is not the private apprehensions of the colonel; the affair is something more positive. We are not now entertained, with a conversation with a member of the legislature, *whom the scourge of war made to fear unhappy results*: we are presented with a settled plan, nightly and secret meetings, for the purpose of giving up the country to the enemy: we hear mentioned the names of several members of the legislature, as persons determined to execute this plan; and those members are Messrs. Guichard, Blanque, and Marigny, and all such as vote in the house of representatives with Mr. Blanque, and several other members of the senate.

And yet, all we can distinctly view at this stage of the inquiry, is one individual in opposition with another; namely! Mr. Duncan who says he received all his information from Mr. Declouet, and Mr. Declouet, who,¹⁹ in one letter, and two declarations on oath says that he spoke only of *his own apprehensions, of which he is master*, and that his sole intention was to speak of his apprehensions.

Mr. Duncan indeed declares, that the revelation of the plan, and of the names of its authors, was made in presence of several other persons, by Mr. Declouet. These other persons must therefore be heard, to enable us to judge either of the correctness of Mr. Duncan's deposition, or of the new contradictions of col. Declouet.

In this persuasion, the committee thought it their duty to cause to appear before them, MM. Robinson and Davesac, named by Mr. Duncan, as also Mr. Charles Tessier, in presence of whom it was reported that Mr. Declouet had spoken to the former.

Summonses were accordingly served on those gentlemen, and on the 20th of January, MM. Robinson and Tessier made their declaration on oath; by which it appears that "in the evening of "the 28th of December, colonel Declouet told them that he had slept "at his brother's, where he had discovered that some members of "the legislature had a design to treat with the enemy; that MM. "Guichard, Blanque and Marigny, were amongst those mem-

“bers, and that a determination had been made to prevent the
“destruction, and the sacrifice of property, to military pride.”

On the 23rd of January, Mr. Augustus Davesac de Castera appeared and immediately wrote his deposition, which it is the more proper to transcribe here, as that part of Mr. Duncan's declaration where Mr. Davesac is mentioned as a witness to the facts reported by Mr. Declouet, in his presence, and in presence of general Jackson, has already been given at large.²⁰

Declaration of Mr. Davesac.

“I was at head quarters, conversing with general Jackson,
“when col. Declouet, came into the room, I believe, with Mr.
“Duncan; having stated to the general that he wished to speak
“with him privately, he was invited to a room upstairs; he seemed
“a little embarrassed, and having observed that he wished to
“speak to the general alone, I was going to retire, when general
“Jackson observed that he wished me to be present, particularly
“as he did not understand French, and as col. Declouet made
“use of that language. I remained in consequence of that invita-
“tion, and Mr. Declouet, speaking very slowly, and waiting
“attentively for the interpretation of every sentence as he went
“on, stated what follows, as far as my memory serves. That
“since the invasion of the country had taken place, having come
“to town he had had a conversation with a member of the legis-
“lature, an intimate friend of his (he refused at first to name
“him, but at last said it was Mr. Guichard, the speaker of the
“house of representatives) which he considered as of the greatest
“importance; that after some vague observations respecting the
“war, Mr. Guichard addressing him earnestly, said the war, as
“carried on by general Jackson, was horrible, a Russian war;
“that Jackson would burn and destroy every thing; that he made
“a Russian war; that Jackson was worse than the British; that
“on his observing that he did not know why the legislature con-
“tinued sitting at such a time as this, Mr. Guichard observed
“that it was necessary that the legislature should sit, to preserve
“the country, to prevent its ruin, and to take measures to save²¹
“the country; that he gave no answer to this communication, but
“reflected much on it, and mentioned it to a very good friend,
“who advised him to make the fact known to general Jackson.
“Whilst still undecided and during an attack, he met Mr. Duncan,
“to whom he spoke with a view, that he should state the fact

"to the general; he was induced to do so, from a fear that if any check was experienced by our arms, the legislature would treat with the enemy; his private opinion is that the majority of the legislature, shared the opinion of Guichard, he means those members who usually vote together, with the exception of Rouffignac, who he believes knows nothing of it; he excepted Louaillier also. This is all I can remember, with sufficient exactness, to state it on oath, but I will answer any questions that may be put to me."

Question by the committee—"Did Mr. Declouet designate Mr. Blanque, as one of the members disposed to treat with the enemy?"

Answer—"When Mr. Declouet said that the majority of the house shared the opinion of Mr. Guichard, respecting the war, and the manner of carrying it on by general Jackson, he was asked by the general, what majority he meant; he said those members who usually vote with Mr. Blanque, the French side of the house, excepting, as I have stated before, Rouffignac and Louaillier, the latter of whom, he said, did not always vote with the others."

Question—"Was any thing said about the senate?"

Answer—"I do not remember his saying any thing about the senate, or designating that body particularly."²²

Question—"Do you know of any thing of a treasonable nature, on the part of any member of the legislative body?"

Answer—"I know nothing."

If there exist striking differences, between the declarations of Messrs. Declouet and Duncan, it is evident that there exist differences no less striking, between those of Messrs. Duncan and Davesac.

It has indeed been seen that Mr. Duncan declared that Mr. Declouet had said in his presence, and in presence of general Jackson, and Mr. Davesac, that the plan had been first discovered to him, by Mr. Guichard, speaker of the house of representatives; and it now appears, that Mr. Davesac, who served as interpreter to Mr. Declouet while speaking to general Jackson, declares only that Mr. Declouet related to the general a conversation which he had had, with one of his friends, Mr. Guichard, since the invasion. That conversation may indeed have excited the surprise of persons naturally suspicious; but it no way resembles the discovery of a plan of capitulation with the enemy.

It has been seen, according to Mr. Duncan, that Messrs. Guichard, Blanque, Marigny, and all those who vote in the house of representatives with Mr. Blanque, had been named and designated, as authors or accomplices of that plan; and we see, according to Mr. Davesac, that Mr. Declouet spoke only of the opinion he entertained, that the majority of the house were of the same opinion as Mr. Guichard, as to the war, and as to the manner in which general Jackson carried it on, and that by that majority he meant those who usually voted with Mr. Blanque, without designating him, in any other manner, and without naming any other member,²³ except Mr. Rouffignac and Mr. Louaillier, whom he named only to except them.

It has been seen, according to Mr. Duncan, that Mr. Declouet spoke of nightly and secret meetings, and it appears, according to Mr. Davesac, that not a word was spoken on the subject, further than that Mr. Declouet having expressed his surprise to Mr. Guichard, at the general assembly's continuing in session at this critical time, the latter answered that it was necessary it should sit, to preserve the country from ruin, and to take measures to save it.

It has been seen, according to Mr. Duncan, that Mr. Guichard had said to Mr. Declouet, as if with a view to engage him to co-operate in the plan, that general Jackson would destroy every thing before him, sooner than give up the country, and that the British would respect property.

And it appears, according to Mr. Davesac, that Mr. Declouet merely said on that subject, that Guichard had said that the general would destroy every thing, that he carried on a Russian war, and that he was worse than the British; without adding that this was said, with intent to engage him to co-operate in a plan.

How difficult it is to come at truth!

There do not exist indeed similar differences, between the declarations of Mr. Duncan, and those of Messrs. Robinson and Tessier. The latter gentlemen, on the contrary, appear to agree with the former, namely as to the discovery made by Mr. Declouet, of a design to treat with the enemy, and as to the names of Messrs. Guichard, Blanque and Marigny, designated by Mr. Declouet, the only facts to which they depose, and which they learned from that colonel.²⁴

But in all those depositions, the committee, could still see nothing but what witnesses declared to have been said by a man who first in a letter, and afterwards in two declarations on oath, does not acknowledge a word of it.

All that has ever been heard of the existence of this conspiracy, formed in the general assembly, has been traced to colonel Declouet. Now the colonel denies having spoken of any thing positive on that subject. In vain is he twice interrogated, he persists in saying only that he apprehended that the legislature would capitulate, rather than to see the city destroyed, reduced to ashes, and drenched in blood!

The committee might here have terminated their labours, but that they could not account for the glaring contradictions existing between the declarations of Mr. Declouet, who has never passed, to their knowledge, for other than an honest man, and the declarations of so many other persons, fully as respectable as he.

The committee thought it therefore incumbent on them, to make some further effort to discover the truth, the investigation of which was committed to them. They accordingly passed a resolution to cause to appear before them once more, Messrs. Declouet, Duncan, Robinson, Tessier and Davesac. That resolution which is annexed with the other documents was passed on the 25th of January, and those gentlemen were all summoned to appear that very day. At one o'clock in the afternoon of that day, Messrs. Declouet, Duncan, Tessier & Davesac appeared. Major Robinson did not appear*;²⁵ but it was thought his appearance might be dispensed with, in as much as it now appeared to the committee, that Mr. Declouet had spoken to that gentleman only through the medium of Mr. Tessier, who served as interpreter.

It will be seen from the instrument that was drawn up in that sitting, signed and sworn to by all the appearers that Mr. Declouet, after having heard the depositions of those gentlemen, persisted in asserting that he had said nothing positive, nor made any direct accusations, in presence of the general, against the legislature; that he had merely said to him that he had to impart to him his apprehensions, and that those apprehensions

*Since this report has been made, the committee have been informed that Mr. Robinson's not attending on that day was owing to the summons having been served on him but the day after, by the serjeant at arms.

arose from a conversation he had had with one of the members of the legislature.

It will be seen that Mr. Declouet has given an account of that conversation in a manner that agrees very much, not with the statement of Mr. Duncan, but with that of Mr. Davesac, from which it differs only in as much, as he denies having named either Mr. Blanque or Mr. Louaillier in presence of the general.

It will be seen however, that Mr. Declouet owns, having said that Mr. Guichard had observed to him "that the legislature " represented the people, that it was obliged to sit night & day," which surely does not mean that there were held nightly & secret meetings, and which is in fact true, for the legislature has frequently sat till a very late hour of the night, but very publicly, as well during this session, as during former ones.

It will also be seen that Mr. Declouet says that he did not tell Mr. Robinson of any thing but, what he had told general Jackson; that he declares that he did not assert that he had discovered any thing; but merely²⁶ that he apprehended lest the legislature should capitulate; and that Mr. Tessier, who served him as interpreter, with Mr. Robinson, then declared that it seemed to him that Mr. Declouet had said nothing more than that.

But what doubtless will appear not a little strange, and would appear still more so, were it not already known, how much Mr. Declouet has contradicted himself, as well in his letter, as in all his declarations, is that that gentleman, who on his last examination, declares for the first time, that he reported that Mr. Guichard told him that "it was a Russian war; that the British " respected property more than Jackson," afterwards added that this same Guichard, had observed to him that "should the British " enter the city, it would be destroyed; that he knew the British, " that he had lost his fortune by them."

Is it possible to reconcile two assertions so evidently contradictory? How can it be admitted that the man who makes them can be disposed to submit to those British whom he knows, as having lost his all by them? And yet it is from a conversation that embraces nothing more important, nothing more positive than that, that colonel Declouet concludes that the legislature, not Mr. Guichard alone, may be disposed to capitulate; it is from that conversation that arise his apprehensions; apprehensions which he hastens to communicate to the commander in chief, at

the very moment when the enemy is attacking our lines! Direful rage of assuming importance before persons in high stations, of wishing to penetrate into the recesses of every man's heart, of poisoning their discourses, to what extravagances do you not prompt? What evil do you not cause?

The sole result then of this confrontation, which²⁷ cast not a single new ray of light, was to add one more contradiction to the former self-contradictions of Mr. Declouet. What degree of credit can be given to the revelation of the pretended conversation of Mr. Guichard, when that tardy revelation is made by a man, who when questioned before, as to the nature of that conversation, answered "I refer for my answer to the letter I wrote on the 7th instant to the speaker of the house of representatives. The member with whom I had that conversation is Mr. Guichard, in whom I have as much confidence as in myself, and I imparted to him my apprehensions."

That letter is wholly set forth in this report, and it says not a word either of a war *à la Russe*, or of the respect of the British for property. Can Mr. Declouet, who declared on oath that that letter contained the whole truth, who afterwards declared on oath important facts not to be found in that letter, can this Mr. Declouet be supposed to have a sincere deposition? can he even be supposed to have made such a deposition in one of those two cases?

Which is the case, in fine, in which he has deposed the truth? These questions the committee found it, as it surely is, very difficult to resolve; accordingly they determined to examine Mr. Guichard himself, persuaded that by this means they would at length obtain a correct knowledge of what had passed between Mr. Declouet and him.

It is by that last deposition that the committee have thought proper to close their inquiry. It is annexed to this report with the other documents. The air of truth which appear throughout it; the connection found in all its parts; that detail of circumstances so satisfactory²⁸ that in reading it one seems to have been a witness to the facts; compared with those inconsistencies, those absurdities, those contradictions that characterize the depositions of Mr. Alexander Declouet, did not permit the committee to hesitate for a moment as to the degree of credit to which that deposition was entitled. Every discerning reader, even without needing

to know the reputation for probity and loyalty which the honorable Mr. Guichard so justly enjoys will easily be persuaded that that declaration contains the whole truth. The committee do not think it necessary to analyse it in order to demonstrate its consistency, or to show the consequences that may be drawn from it, against the conduct surely inconsiderate of that colonel, whose ill-advised zeal and whose restless mind have alone caused the revolting scene lately witnessed amongst us! Heaven grant, for our tranquility, that henceforth men of such a disposition may not have any influence in our destinies! Having thus rendered a faithful account of their inquiry, the committee beg leave here to express the opinion they have formed as to this important and most strange affair.

The end for which the general assembly appointed this committee, was to inquire for what cause, and on what proof the military orders suspending the session of the legislature, were given on the 28th of last December. Now the committee do not hesitate to proclaim that there never existed any cause that could justify such a measure; that those orders were given without any proof whatever; in a word, that never was so violent a step taken with so little grounds. But at the same time the committee with pleasure proclaim, also, this truth, that the orders which were given and executed, never proceeded from the mouth of general Jackson.²⁹ Who is then the man who presumed to give those orders? Mr. Abner L. Duncan. He it was who, as appears from his own deposition, ordered violence to be used to hinder the legislature from meeting. He it was who thus dared to raise himself above the law. He it was, who being the bearer of a message which prudence herself had dictated to his general, thought he might with impunity disregard it, and raise himself to be the supreme judge of the nature of those measures most expedient to be adopted for preventing the evil with which it is said the country was threatened. Yes, legislators, Mr. Duncan is the man who constituted himself, who actually was the arbiter of your fate; he is the man who trampled your constitution under his feet; it is he, that zealous patriot, who taught the world that the sovereignty, the independence guaranteed to this state, in common with all the states of the union, by the inviolable compact which binds them together, were and are but unmeaning words which any audacious being may, when he pleases, blot out of the pages of our valuable institutions!

Let the order which Mr. Duncan had received from the commander in chief, be compared with that which was given and executed. That order directed (we have it under the signature of the general himself) that the governor should make a strict inquiry as to that fact (alluding to the project of a capitulation) and if it was true (that the legislature intended to capitulate) to blow them up.

A soldier, a republican, at the head of an army, in the midst of a battle on which, perhaps, depends the fate of the country whose defence is intrusted³⁰ to him, to whom are announced tidings such as those of which Mr. Duncan was the bearer, could not use language either more prudent, or more characteristic of his love for his country.

Is that the order which Mr. Duncan transmitted? Did he direct governor Claiborne to be told to cause an inquiry to be made? The contrary is proved both by the deposition of colonel Fortier, and by that of Mr. Duncan himself. Let us add to this, that according to general Jackson's answer, Mr. Duncan made him the communication as a message coming from governor Claiborne, whilst, according to Mr. Declouet and even Mr. Duncan's statements, it is evident that no such message has ever been given to either of them by the governor.

What a contrast is here presented! the chief, the depository of all the force, orders an inquiry to be made in the first instance; the subordinate officer, the man who has no other power than that of a messenger, takes upon himself to alter that order, and with a single word, suspends a legislature!

It is in vain that Mr. Duncan says in his deposition that as far as the agitation in which he was, permitted him to understand and remember it, the general's order was to tell governor Claiborne to prevent that (the pretended capitulation) and to blow them up (the legislature) if they attempted it. Whether the order were thus expressed, or whether it were such as the general himself declares, Mr. Duncan cannot escape the merited reproach of having altered it, and having substituted his own will. Assuredly if the order was such as his agitation permitted him to understand it and remember it, it belonged not to him to prescribe the measures to³¹ be taken in order to prevent the evil apprehended. Those measures were left to the prudence of governor Claiborne. Before they conclude, the committee cannot refrain from express-

ing their surprise that the governor of this state could consent to the execution of those arbitrary measures. Doubtless he was persuaded that the order transmitted to him on that occasion, came from general Jackson—but nothing could determine him to comply with them. His highest duties are those which he has contracted towards the state and the constitution; and it is evident that he could not obey those orders, without violating the oath which he took to support that constitution.

May that event, the consequences of which might have been disastrous, never again take place amongst us! If we are to judge of the sensations that it must have made on our brothers of the other states, on their hearing of it, from that which it caused here, on those who profess a sincere attachment to those inestimable institutions, without the enjoyment of which, man is but a wretched slave, that sensation must have been painful indeed! Surely either it must have been thought that those violent measures had been taken only on clear conviction that the legislature of the state of Louisiana, bribed by England, were ready to betray their oath, and to deliver over to that cruel enemy this fine country, the object of her ferocious ambition; or it must have been imagined that the liberty and independence of a country could with impunity be trampled under foot. In either case, will not the patriot, the republican faithful to the principles of our government, deplore this event? But it is well known here, and doubtless will with pleasure be learned by our sister states, with what³² indignation the members of the general assembly were transported, on hearing that some persons had dared, after what the legislature had done so lately, to doubt of their fidelity. It is known here, and will be learned with pleasure throughout the union, with what promptitude the legislature sought to investigate the cause of those arbitrary measures, unprecedented in the history of America; with what ardor your committee proceeded in inquiring whether there could be found, either in this assembly, or in the whole community, any traitors so base as to have sought to deliver over the state to our ferocious enemies.

It will be recorded, that in making our report on this inquiry, we can proclaim with pride that the people of Louisiana, that people composed of men of so many different origins, so often represented under such odious colours, have this day, by their representatives, confounded and blasted to scorn their detractors!

They strove to disunite us—they sought to oppress us—public execration already makes them sink under its weight.

HATCH DENT,

Chairman of the committee

Appointed by the senate.

J. BLANQUE,

Chairman of the committee

appointed by the house of representatives.³³

DOCUMENTS

ANNEXED TO THE REPORT OF THE COMMITTEE.

[No. 1.]

Resolution of the senate of December 30th, 1814.

SENATE OF THE STATE OF LOUISIANA.

Extract from the journal of the legislative proceedings of the senate under date of Friday the 30th of December, 1814.

On motion, Ordered that the proces-verbal which was made up and subscribed by the members of the senate on Wednesday the 28th instant, in consequence of the violence offered them to prevent their entering the house on that same day, be inserted at length on this day's journal.

And the said proces-verbal was thereupon inserted as follows.

STATE OF LOUISIANA,

Wednesday the 28th of December 1814,

15 minutes after 5 o'clock, P. M.

"The senate not being able to meet at twelve o'clock, according to adjournment at the government house, for the reasons hereinafter stated, met at the Principal, as the nearest convenient place, Fulwar Skipwith, president, H. Dent, John H. Johnson, Thos. Urquhart, Etienne Mazureau, Manuel Prudhomme, members, being present.

"The president stated, that on his coming to the³⁵ senate chamber, to meet according to adjournment, he was stopped and pre-

vented from proceeding on the stairs of the government house, by an armed centinel whom he presumed at first not to be informed that he was the president of the senate; that he therefore informed him of it, but that the said centinel persisted, and told him that he had orders to prevent the members of both houses of the legislature from meeting.

"That upon inquiring by whom the orders had been issued, the officer of the guard told him that general Labatut, who happened to be there, had given them. That the president applied immediately to general Labatut to ascertain the fact, who answered that he had been commanded by the governor of this state, to have the government house surrounded by an armed force, in order to prevent the legislature from meeting; and that he acted pursuant to that superior command.

"The president further stated that he and the speaker of the house of representatives called together on the governor of the state, in order to know the reason of such an extraordinary measure, who told them that the orders above mentioned had been given by him in consequence of superior orders given to him by the general.

"Mr. Dent then begged leave to state that he was in front of the government house, at about ten o'clock in the morning when governor Claiborne arrived there on horse-back, and after appearing to have given some orders to an officer of the militia called him, (Mr. Dent) and informed him that in consequence of orders given him by general Jackson, who had (said he) received positive information that a motion was to be made in the legislature in order to have the country surrendered to the British, he (the governor) had directed general Labatut to have the government house surrounded, by placing armed centinels at every door of it, in order to prevent the members of the legislature from meeting; and even to fire upon said members, in case they should persist in their attempt to meet.

"After hearing the above statements, the senate not being in quorum but having *ex necessitate* appointed Mr. Mazureau as secretary *pro tempore*, adjourned till to-morrow at twelve o'clock.

"(Signed) Fulwar Skipwith, John H. Johnson, Thos. Urquhart, Mazureau, H. Dent, M. Prudhomme.

(Signed)

A true extract,
(Signed)

MAZUREAU,

Secry. pro. tem.

J. CHABAUD,

Secretary of the senate.

[No. 2.]

*Resolution of the general assembly of the 5th of
January, 1815.*

*Extract from the proceedings of the house of representatives of
the state of Louisiana.*

1ST SESSION, 2ND LEGISLATURE.

Thursday, January 5.

By special leave of the house, Mr. Sutton introduced the following resolution.

Resolved by the senate and house of representatives of the state of Louisiana in general assembly convened, That a joint committee of both houses of the legislature of Louisiana be appointed, to be composed of two³⁷ members of the senate and three of the house of representatives, who are hereby authorized and instructed to investigate and inquire from what causes or by what evidence and by whom such evidence was given the military orders suspending the sittings of the legislature on the 28th of December last proceeded, and that the said committee have power to send for all persons and papers that may be necessary, and that they take the examination of all such persons relative thereto, as they may deem expedient, and report thereon to the legislature.

And this resolution was adopted.

Ordered that the clerk do request the concurrence of the senate therein.

Ordered that Messrs. Blanque, Sutton, and Deblanc be named on the part of this house members of the joint committee, to be appointed agreeably to the above resolution.

A message from the senate by Mr. Chabaud their secretary, Mr. Speaker, I am directed to inform this honorable house, that the senate do concur in the resolution the object of which is to authorise the governor to borrow fifteen thousand dollars for the use of the state, as also in the resolution providing for the appointment of a joint committee to investigate from what causes the military orders suspending the sittings of the legislature on the 28th of December last proceeded, and authorising the said joint committee to send for all persons and papers that may be necessary, and to take the examination of all such persons relative thereto as they may deem expedient. I am further directed to inform this honorable house, that the senate have named on their part Messrs. Dent and Mazureau members of the³⁸ said joint committee to be appointed agreeably to the last mentioned resolution.

[No. 3.]

*Answer of general Jackson to the resolution of the 30th
of December, 1814.*

Camp at Macarty's, 4 miles below New-Orleans,

Head-Quarters, December 31, 1814.

The major-general commanding has the honor to acknowledge the receipt of the joint resolution of both houses of the honorable the legislature of the state of Louisiana now in session, dated the 30th instant, and communicated to him by a joint committee of both houses; to which the general gives the following answer.

That just after the engagement between the British and American armies had commenced on the 28th inst. when the enemy was advancing, and it was every instant expected that they would storm our lines, as the general was riding rapidly from right to left of his lines, he was accosted by Mr. Duncan, one of his volunteer aids, who had just returned from New-Orleans; observing him to be apparently agitated the general stopped, supposing him the bearer of some information of the enemy's movements, asked what was the matter? he replied that he was the bearer of a message from governor Claiborne, that the assembly were about to deliver over the country to the enemy; being asked if he had any letter from the governor he answered in the negative; he was then interrogated as to the person from whom he received the intelligence, he said it was from a militia^{so} colonel; the general enquired where this colonel was, that he ought to be apprehended, and if the information was not true he ought to be shot, but that he (the general) did not believe it; to this Mr. Duncan replied that the colonel had returned to New-Orleans, and requested him (Mr. Duncan) to deliver the above message; the general was in the act of pushing forward along the line, when Mr. Duncan called after him, and said the governor expects orders what to do; the general replied that he did not believe the intelligence; but to desire the governor to make strict inquiry into the subject, and if true to blow them up. The general pursued his way and Mr. Duncan returned to the city. After the action Mr. Duncan returned, and on the general's stating to him the impropriety of delivering such a message publicly in the presence of the troops, as well as the improbability of the fact,

he excused himself by the great importance of the intelligence, and then, for the first time, the general heard the name of colonel Declouet as Mr. Duncan's author.

The above statement the general gives as a substantial one of the matter referred to in the resolution of the senate and house of representatives, and to this, he adds that he gave no order to the governor to interfere with the legislature except as above stated.

(Signed)

ANDREW JACKSON,
*Major-General Commanding.*⁴⁰

[No. 4.]

Resolution of the general assembly of January 3, 1815.

SENATE OF THE STATE OF LOUISIANA.

An extract from the journal of the legislative proceedings of the senate, under date of Monday the 2d of January, 1815.

The following resolution was afterwards introduced by the senator from the first district, and reads as follows:

Resolved by the senate and house of representatives of the state of Louisiana in general assembly convened, that the governor of the state shall be, and is hereby requested to inform the general assembly in writing,

1st. Of the manner in which he received the intelligence which occasioned the violent measures used against both houses of said general assembly, on the 28th of December last.

2d. What message he, the governor, sent to major-general Jackson relative to that intelligence, on the said day, by colonel Declouet.

3d. What order he, the governor, received in consequence of said intelligence on the day aforesaid, from major-general Jackson; and in what manner, and by whom said order was delivered to him.

4th. What order he, the governor, gave to the armed force which was stationed on the said 28th day of December last at the government house.

On motion, the foregoing resolution was adopted.

Ordered that the secretary request the concurrence of the house of representatives therein.

Another extract from the said journal, under date of Tuesday the 3d of January, 1815.

A message from the house of representatives was brought by Mr. Fremont, their clerk, to inform the⁴¹ senate that the said house do concur in the resolution requesting the governor to give information in writing to the legislature on the subject of the violent measures taken against both houses of the general assembly on the 28th of December last.

I attest the foregoing to be true extracts.

(Signed)

J. CHABAUD,
Secretary of the senate.

[No. 5.]

Answer of the governor to the resolution of the 3d of January 1815.

The undersigned, the governor of the state of Louisiana, has received the joint resolution of the honorable the senate and house of representatives of the state, and hastens to respond to the enquiries addressed him, in the order they are placed.

1st. The first intimation he had of the "intelligence" which occasioned the measures alluded to, was communicated to him by his aid, colonel Fortier, on the morning of the 28th of December last, as coming from *major-general Jackson, through his volunteer aid captain Abner L. Duncan.*

2d. That he sent *no message* to major-general Jackson, relative to the intelligence alluded to, *either by colonel Declouet, or any other person.*

3d. That on the morning of the 28th of December last, having heard the firing of cannon and of small arms, and being informed that the enemy was advancing to⁴² the attack of our lines, he set out for the camp of major-general Jackson, accompanied by the secretary of state, Mr. Macarty, general Toledo, colonel C. Dejan and Doctor Rodgers, and escorted by captain Chauveau's troop of cavalry; that he was met a short distance on this side of the camp by his (the governor's) aid, col. Fortier, who said to him, major-general Jackson had received information that the legislature was about assembling for the *purpose of surrendering the country*, and that the general's orders were, that the governor should immediately shut the doors of the government house,

place guards there, and if the legislature attempted to assemble, to use force, to fire on them. Colonel Fortier stated that the order had just been communicated to him by general Jackson's aid, Mr. Duncan.

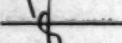
4th. That on receiving the message conveyed by colonel Fortier, he returned to the city; and after communicating its tenor to the several members of the legislature, whom he saw near the government house, he gave verbal instructions to general Labatut, which were interpreted in French by the secretary of state, to *shut the doors of the government house, to place a guard there, and to permit no person to enter*. These orders were subsequently so modified as to permit the president of the senate and the speaker of the house of representatives and their officers to *enter at will*, and in the evening were wholly withdrawn.

The undersigned, as an act of justice to himself and the legislature, deems proper to add, that the moment the message conveyed by colonel Fortier was received, he expressed, what he still feels, a disbelief of the information on which it was founded. He regrets that a proceeding so grave should have been the result of the^{as} misapprehension or misunderstanding of any of the parties concerned. But so far as relates to his agency in the transaction, with the *information then before him*, and under the *peculiar circumstances in which the state was placed*, he feels conscious of having pursued that line of conduct which prudence and duty dictated; for admitting on the one hand, the *information wholly unfounded*, it was nevertheless apparent that suspicions, highly injurious to the legislature had gone forth, and that their meeting on *that day* might, and probably would have occasioned a popular commotion, not easily controled; and on the other hand, if the information was true the *suspension for the moment of the sessions of the legislature*, was essential to the safety of the state.

(Signed)

W. C. C. CLAIBORNE,

New-Orleans, January 4, 1915.


[No. 6.]

The honorable Levi Well's statement.

On the 28th of December last, about the usual time of the meeting of the legislature, I came to the government house for the purpose of taking my seat in the house of representatives,

of which I am a member. On my putting my foot near the top of the stairs, I was opposed by an armed centinel, who presented me his bayonet and ordered me to retire; I observed to him that my place was in the house of representatives, and that I wanted to go and take my seat; he replied, "you must retire, if you do not, I will run you through with my bayonet." Surprised as I must be, I endeavored to have some explanation, but the said centinel pushed at me with his bayonet and ordered me again to retire, which I did, persuaded that if I had not retired he would have executed his threat, in as much as the tone of the voice of the said centinel was as insulting as possible.

New-Orleans, January 6, 1815.

(Signed)

LEVI WELLS,

From the county of Rapides.

[No. 7.]

Mr. Fortier's statement.

[TRANSLATION.]

The undersigned does hereby declare, that on Wednesday the 28th of the month of December, in the year 1814, being on the main road leading to general Jackson's camp, at the distance of two miles from town, or thereabouts, he saw a man on horseback, coming from below; and, who, as he drew near to him, stopped; and he found that man to be Mr. Duncan, one of general Jackson's aids. The first question Mr. Duncan made him, was this, "Have you seen colonel Declouet? Yes. What did he tell you? Nothing, but that our affairs went on well at camp Jackson, and that the British were retreating. Did he tell you nothing else? No. Did he not speak to you concerning the legislature; that they were to meet, or had met in order to propose to deliver up the country to the British? No. Do you know whether the legislature are sitting? No. Do you think they will meet to day? I know nothing of it; but I do not believe it, for I have seen several members not long since, and namely Mr. Harper, who was marching to the camp with his gun."⁴⁵

After this short conversation, Mr. Duncan told the undersigned that the general in chief had just been informed, that the legislature had met, or were going to meet in order to propose a capitulation to the enemy; that he, Mr. Duncan, was the bearer

of an order from general Jackson to governor Claiborne, that a strong guard be placed at the door of the legislature, and the members prevented from meeting and proceeding to business, by means of the armed force. Mr. Duncan then said to the undersigned, "Will you take charge to transmit this order to the governor?" He replied, "Yes; but as coming from the general in chief?" to which Mr. Duncan answered, "certainly."

The undersigned immediately directed his course towards town; and at about one mile's distance from the capital, he met the governor together with several persons of his suite, and escorted by captain Chauveau's troop of horse. He related to the governor what had passed between Mr. Duncan and himself. The governor appeared to him as if he was struck with astonishment. He consulted a while upon what decision he should take, stating that he did not believe the intelligence. Then, a moment after, he said, "I will send one of my aids, to carry the order to general Labatut." However, recollecting himself a little, he added, "This is an imperative order; it comes from general Jackson; the enemy is at our door; we hear his cannon; I will go to town and give this order myself." He thereupon went back, and the undersigned continued his way towards the camp.

New-Orleans, January 6, 1815.

(Signed)

FORTIER,

Aid-de-camp to the governor.⁴⁶

[No. 8.]

Brigadier-General Labatut's statement.

[TRANSLATION.]

On Wednesday the 28th of December, 1814, at about ten o'clock in the morning, his excellency William C. C. Claiborne governor of the state of Louisiana and commander in chief of the militia thereof, arrived from the camp of major-general Jackson, accompanied by part of his staff, and by the secretary of state, Mr. Macarty, he ordered me to place a centinel at each of the doors of the senate and of the house of representatives, with orders not to permit any member of the legislature, or any other individual whatever to enter, and to use violence in case any resistance was offered, which order I executed immediately after having received it. I will observe, that his

excellency, apprehending that if he made use of the French language, he could not transmit his orders with sufficient clearness, requested the said secretary of state to interpret them to me, which was done by the latter, in the presence of several persons belonging to the governor's staff, and in that of my aid-de-camp, Mr. F. A. Blanc. I shall observe further that his excellency sent in the afternoon of the same day, at about the hour of four, his aid-de-camp, col. Shamburgh, to my house, whilst I was at dinner, to order me to permit the president of the senate, the speaker of the house of representatives, their clerks and officers to enter, which order I caused to be executed without delay. The said orders remained in force until the next morning, when, at an early hour, his excellency sent me orders to relieve all the centinels, and to allow all the mem^{rs} of both houses to enter indiscriminately, which order was immediately executed.

New-Orleans, January 6, 1815.

(Signed)

J. B. LABATUT,

Brigadier-General commanding.

[No. 9.]

*Letter of the president of the committee to general Jackson,
and the general's answer.*

New-Orleans, January 6, 1815.

GENERAL,

In conformity with the joint resolution of both houses of the legislature of this state, a certified copy of which is hereunto annexed, I am directed by the joint committee to apply to your excellency for an order to colonel Declouet, commanding him to appear before said committee, at the government house, on tomorrow at five o'clock in the afternoon, in order to answer such questions as may be put to him relative to the cause of the military measures taken and executed against said legislature, on the 28th of December last.

The joint committee flatter themselves, that taking into consideration the importance of the subject, your excellency will have no objection to issuing and causing to be executed the above mentioned order.

I am very respectfully, &c.

HATCH DENT,

*Chairman of the committee.*⁴⁸

The general's Answer.

Head-Quarters, 7th Military District,
January 6, 1815.

The honorable H. Dent, chairman, &c.

SIR,

I have received the letter of this date, which you did me the honor to address to me, requesting an order to colonel Declouet to attend before the committee of which you are chairman.

Any officer in the army I have the honor to command, whom the committee may choose to summon will obey their order, and as soon as colonel Declouet shall receive the summons, he will be permitted (if on duty) to leave it and obey the order of the committee.

I have the honor, &c.

Very respectfully, yours, &c.

By command of major-general Jackson.

(Signed)

EDWARD LIVINGSTON,
Aid-de-camp.

[No. 10.]

*Letter of the chairman of the committee to colonel
Alexander Declouet.*

Colonel Alexander Declouet,

SIR,

By virtue of the joint resolution of both houses of the legislature of the state of Louisiana, passed on the 5th instant, a copy of which will be shewn to you, you are hereby summoned to be and appear before the committee appointed in consequence of said resolution, at the government house, on Monday morning at nine⁰⁰ o'clock, then and there to answer such questions as may be put to you, relative to the military measures taken and executed against said legislature on the 28th of December last.

New-Orleans, January 7, 1815.

H. DENT,
Chairman.

Camp on the right bank of the river, Jourdan's plantation, at 3 o'clock in the afternoon, Saturday the seventh of January, 1815.

I certify that I have duly served on colonel Declouet, the order of which I was the bearer, of which a copy is hereunto annexed, and that I have communicated to him the resolution passed by both houses of the legislature on the 5th of January, 1815.

(Signed)

J. LAIZER,
Serjeant at Arms.

[No. 11.]

*Letter of the chairman of the committee to colonel
Alexander Declouet.*

New-Orleans, January 10, 1815.

SIR,

The joint committee of both houses of the legislature, have waited until now, your obeying the summons addressed to you on the 7th instant, and they now learn with surprise that you question their authority.

The committee have instructed me, 1st, to tell you that they cannot enter into a discussion on that subject at present. 2d, To send you a certified copy of a letter⁵⁰ addressed to them by major-general Jackson on the 6th instant, by which you will see the line of conduct you must pursue.

The committee flatter themselves that after this, you will, to avoid compelling them to take such other measures as lie in their power, appear before them to-morrow morning at ten o'clock.

H. DENT,
Chairman.

Colonel Alexander Declouet.

[No. 12.]

*Answer of colonel Alexander Declouet to the resolution
of the 5th of January.*

[TRANSLATION.]

At camp, the 7th of January, 1815.

Gentlemen of the two Legislative houses,

The apprehensions of an attack from the enemy, on this bank, which keeps me day and night on foot, does not permit me to quit my post, without a special order from the general in chief;

but desirous of answering to your resolution, I am going to do it as follows.

On the day from the 27th to the 28th of last month, I slept on the plantation of one of my brothers, and after having perceived the alarm depicted on the countenances of the afflicted of this city, I had a conversation with one of the respectable of your house, whom the scourge of war made to apprehend the unhappy consequences that have been but too much realised. From that moment I apprehended a capitulation of the legislature, which could not but have occasioned a division in the colony, as ruinous as disastrous. I set out on⁵¹ the 28th to impart my apprehensions to general Jackson, but, before I arrived, there was an engagement which did not permit me to see him. I met his aid-de-camp, Duncan, and I requested him to act for me with general Jackson. Nobody, sir, of your body has communicated to me that his intentions were to do any thing positive. My steps were founded only on apprehensions of a division, which I have always feared since we are menaced with war. I own to you that if I had been sooner apprised of the good intentions and of the beneficent conduct of the legislature, my apprehensions would not have been the same. —If I have been in an error on this occasion, it is only through an excess of patriotic zeal with which you are animated yourselves, and which is proved by the conduct of the two houses, which I was ignorant of at that time. What remains for us to do now? To concur together towards the continuation of a defence no less supported than well combined, as we have done till this moment.

This, gentlemen, is my answer, which I flatter myself, must suffice to any well intentioned body, as you have demonstrated at your last sitting.

I am, with consideration,

Your affectionate servant,

(Signed)

DECLOUET.

[Superscription]

“To Mr. The Speaker of the
“House of Representatives.

“The sending of this answer has been retarded by reason
“of the attack we have had on the 8th, and which must suffice
“for the two calls.”⁵²

[No. 13.]

Letter of the chairman of the committee to general Jackson.

New-Orleans, January 11, 1815.

GENERAL,

I am directed by the joint committee of the general assembly of this state, to send to your excellency the annexed documents numbered 1, 2, 3, & 4, by which you will be informed of the step taken by said committee, since your letter of the 6th instant, in order to procure the attendance and deposition of colonel Declouet, relative to the military measures executed on the 28th of December last against said general assembly. By document, No. 4, which is a true translation and copy of a letter of said Declouet to the speaker of the house of representatives of the 7th instant, and referred to the aforesaid committee, your excellency will see that unless you please to issue, or cause to be issued the proper order to said colonel Declouet, it will be very difficult for the committee to procure his attendance before them, which attendance, as your excellency will readily discover from the contents of his letter, is absolutely necessary.

I am, in consequence, directed by the committee, to request your excellency to have the goodness to issue or cause to be issued, the above mentioned order to the said Declouet, to appear before the committee on tomorrow at 5 o'clock, P. M.

I have the &c.

H. DENT,
Chairman.⁵³

[No. 14.]

Questions put by the joint committee of both houses of the legislature to colonel Alexander Declouet, with the answers of the colonel, made on the 12th January, 1815.

1st Question.—What are the contents of the communication you made to Mr. Duncan, an aid-de-camp to major-general Jackson, on the morning of the 28th of December, relative to the surrender of this state to the British by the legislature?

Answer.—I met Mr. Duncan, and requested him to report to general Jackson, what I have mentioned in the letter I wrote on the 7th of January to the speaker of the house of representa-

tives. We were (Mr. Duncan and myself) galloping very hard, and the action had begun.—I do not recollect whether I told him that the legislature were going to deliver up the country to the British, or merely that I apprehended they would do so; but I know very well that my intention was only to request him to communicate to general Jackson my apprehensions on that subject, as I have written to you in my letter which contains the whole truth.

2d Question.—Were you charged or advised by governor Claiborne or any other person to make that communication?

Answer.—I was charged by no body; what I did was of my own will; of my own accord.

3d Question.—Have you said that proposals, which you considered as treasonable, had been made to you by any of the members of the legislature, or do you know of any such proposal made to any other person?⁶⁴

Answer.—I never said nor thought such a thing, and I do not know of any such proposal having ever been made.

4th Question.—Was any such proposal, or which you might have thought to be such, ever made to you?

Answer.—No proposal of that kind has ever been made to me.

5th Question.—If no such proposal was ever made to you, and you did not know of any made to any other person, how could you happen to conceive apprehensions, like those you wanted to be communicated to general Jackson?

Answer.—Ever since the beginning of the war I had apprehended that people would not hang together, and that there would be a division of opinion.

6th Question.—But because ever since the beginning of the war you did apprehend that the opinions would be divided, could you believe, and what could induce you to believe, that the legislature was composed of traitors, capable to surrender the country to the British?

Answer.—I thought a division would exist in the legislature, as it usually does in all deliberating assemblies, and as I am the master of my own feelings, I feared the legislature might prefer to capitulate rather than to see the city destroyed, pillaged and burnt; and as I did not consider such a capitulation as putting an

end to the war, I dreaded the consequences of the division I apprehended. But I never told any body that there were traitors in the legislature.

7th Question.—But suppose the legislature had surrendered the country as you were afraid they would,⁵⁵ would you not have considered its members as traitors?

Answer.—If the British had been victorious, I would have feared, and indeed I did fear, for the reasons I have already given, that the legislature would capitulate.

8th Question.—In the course of the conversation you had with Mr. Duncan on the 28th of December, did you mention the name of governor Claiborne?

Answer.—I did not mention that name at all.

(Signed)

ALEX. DECLOUET.

Sworn and signed before me,

New-Orleans, 12th January, 1815.

(Signed)

Js. PITOT,

Judge.

Questions put to colonel Declouet by the committee on the 13th of January, 1815.

1st Question.—Were you ever solicited, invited or engaged by any member of the legislature, or any other person, to unite with conspirators, with a view to commit any hostile act against the government of the United States, or to aid or abet its enemies, or to make common cause against it with the British or Spaniards?

Answer.—I consider this question as out of order. By putting it to me, you seem to suppose me capable of entering into a plot or conspiracy against my government; it never was in my principles to do such a thing, and no body ever made me such a proposal.

2d. Question.—What is the conversation you had with the member of the house of representatives you mentioned in your letter of the 7th instant, and what is that member's name.

Answer.—I refer myself to the letter I wrote on the 7th instant to the speaker of the house of representatives⁵⁶—the member with whom I had a conversation was Mr. Guichard, a gentleman

in whom I place the greatest confidence, and to whom I did communicate my apprehension.

(Signed)

ALEX. DECLOUET.

Sworn and subscribed before me,

New-Orleans, 13th January, 1815.

(Signed)

Js. PITOT,

Judge.

[No. 15.]

*Letter of the president of the committee to captain
Abner L. Duncan.*

Captain Abner L. Duncan,

SIR,

By virtue of the joint resolution of both houses of the legislature of the state of Louisiana, passed on the 5th instant, a copy of which will be shewn to you, you are hereby summoned to be and appear before the committee, appointed in consequence of said resolution, at the government house, on Saturday morning, the 14th instant, at ten o'clock, then and there to answer such questions as may be put to you, relative to the military measures taken and executed against said legislature on the 28 December last.

New-Orleans, January 13, 1815.

By order of the committee.

HATCH DENT,

*Chairman of the Committee.*⁵⁷

Camp Jackson, 13th January, 1815.

I certify that I have executed the order addressed to me by Mr. Dent, chairman of the committee, and that I have delivered a copy thereof to Mr. Duncan.

J. LAIZER,

Serjeant at Arms.

[No. 16.]

*Questions proposed by the joint committee of the general
assembly to Abner L. Duncan, esq.*

1st Question.—What communication did you receive from colonel Alexander Declouet, on the 28th of December last? How, and under what circumstances, did he make the same to you?

2d Question.—Did Mr. Declouet tell you that he was sent by governor Claiborne to general Jackson to make him said communication, and did he request you to deliver his message to general Jackson?

3d Question.—What was the order you delivered to Mr. Fortier, aid-de-camp to governor Claiborne, on the said 28th day of December last, relative to the general assembly?

4th Question.—Do you know yourself, or from any person, of the existence of any thing of a treasonable nature in either of the houses of the general assembly, or on the part of any one of their members? If yes, state the same fully.

(Signed)

H. DENT,
*Chairman.*⁵⁸

The answers of A. L. Duncan to the interrogatories of the joint committee of both houses of the legislature, on Saturday the 14th of January, 1815.

1st Answer.—On the 28th of last month, shortly after the beginning of the attack on the Americans lines, colonel Alexander Declouet, coming from town in very great haste and agitation, joined this respondent and begged him to inform general Jackson that a plan was on foot, among several members of the legislature, for the surrender of the country to the enemy. Colonel Declouet named in confidence to this respondent, as he did to general Jackson, and it is believed to general Morgan, and major Robinson, several members as persons determined on making the attempt, and added that he had heard one or more of the members say, that general Jackson was carrying on a Russian war, and that it was best to save private property by a timely surrender, and, that he, (colonel Declouet) had been invited to join in the measure.

2d Answer.—The colonel did not say he was sent by the governor to make any communication to general Jackson, but he requested this respondent to make the above to general Jackson.

3d Answer.—On this respondent making the communication the order he received from the general was, as far as the agitation the respondent was in, permitted him to understand and remember, in the following words, "tell governor Claiborne to prevent this, and to blew them up if they attempt it." This respondent shortly after perceiving colonel Fortier, one of the governor's aids,

desired him, as the best means of averting the evil, to prevent the meeting of the legislature, even by violence if necessary.⁵⁹

4th Answer.—This respondent, if the committee of both houses insist on it, will give the names of all the persons named by colonel Declouet, as determined to attempt the surrender, and, also, state circumstances, which had come to his knowledge, adding great weight to the communication of colonel Declouet, and inducing a belief that it was correct.

(Signed)

A. L. DUNCAN,

Sworn to before me,

New-Orleans, 16th January, 1815.

Js. PITOT,

Judge.

Resolved by the joint committee that Mr. Abner L. Duncan, be, and he is hereby requested to answer such further questions as may be put to him, and particularly such as may grow out of his answer to the last of those already administered to him.

January 16, 1815.

H. DENT,

Chairman.

1st Question.—Who were the persons named to you by colonel Declouet, as determined to attempt the surrender of the country to the enemy?

Answer.—Colonel Declouet told me that the plan had been first disclosed to him by the speaker of the house of representatives, Mr. Guichard. He said in the presence of general Jackson, and Mr. Davesac, that many other influential characters were concerned in it, and that they had had several night, or secret meetings on the subject. He was pressed to give the names of some of those influential men, and gave the name of Mr. John Blanque, I think Mr. Marigny, and generally⁶⁰ all those voting with Mr. Blanque in the house of representatives. I will not undertake to give the names of any others, either in the senate or house of representatives. But he did state that there were many in both houses; also, stated, that as an inducement to unite in the plan, he was informed, by Mr. Guichard, that general Jackson would burn and destroy every thing before him, sooner than surrender the country, and that the English would respect private property.

2d Question.—Did the communication of Mr. Declouet to general Jackson, made in your presence, as stated in your answer to interrogatory the first, take place prior to, or since the 28th of December last?

Answer.—After the 28th, I believe on the evening of the 29th; but to give certainty as to the time, it was on the evening of the same day Messrs. Blanque, Marigny and Rouffignac called upon the general for an explanation concerning the military order.

3d Question.—What are the circumstances that had come to your knowledge, and adding great weight to the communication of colonel Declouet, and inducing a belief of its being correct?

Answer.—When colonel Declouet made his first communication to me near the line of our encampment on the morning of the 28th, I replied to him as nearly as I can recollect, that it could not be possible. He observed very emphatically, "I will answer for the truth of it; for God's sake communicate it to the general." I urged him to come to camp and communicate it in person; he answered, no; I will go to the governor, you communicate it to the general. From colonel Declouet's standing in society, added to the frequent assurances which I received from persons⁰¹ going to town, that our lines were forced, and knowing that many of the members of the legislature were on the lines, I felt myself bound to make the communication, and to attach the consequence to it which colonel Declouet wished; another circumstance that had no little weight upon my mind, was the frequent assurances I previously received from members of the legislature, of both houses, that an attempt would be made to dismember the state (meaning the state of Louisiana) the effect of which would, to my mind, inevitably produce, at a moment we wanted the united force of all, civil war.

4th Question.—How long do you suppose colonel Declouet's conversation with you did last, when he made you his communication on the 28th December?

Answer.—Not long. I was near the lines, the action had commenced, and I deemed it my duty to be at my post as soon as possible; much was said as well in manners as in words in a very short time. Mr. Declouet's horse was on full speed when he overtook me, I supposed he had some important communication to make relative to the enemy, & halted immediately, when the conversation set forth in my answer to the first interrogatory in chief, in substance, took place.

5th Question.—Did colonel Declouet mention to you all the names and particulars stated in your answer to the first of these interrogatories, at the time of his making his communication to you on the 28th of December?

Answer.—Colonel Declouet did not in his communication of the 28th, mention to me the names particularly of whom I have spoken, as concerned in the plan, generally that he knew them well, as persons possessing sufficient influence to control the legislature.

6th Question.—Who are the gentlemen who have⁶² given you the assurances that an attempt would be made to dismember the state, and do you know what they meant by said dismemberment?

Answer.—I understood from several members of the lower house, among whom I recollect Mr. Harper, and I think Mr. Fickland, and in the upper house from general Morgan I believe, and from Mr. Hiriart, for Mr. Hiriart I recollect it perfectly, and I also understood from several members, that they should consider it as an act of violence, and resist it by violence; the dismemberment I understood to mean a determination to deprive that part of Florida annexed to the state of Louisiana, of its representation in the legislature.

7th Question.—Did you not deliver to general Jackson the communication of colonel Declouet as coming officially from governor Claiborne, through the said colonel?

Answer.—No. I believe the general was under that impression, but I did not deliver it as coming from governor Claiborne.

(Signed)

A. L. DUNCAN,

Sworn, and subscribed before me,

New-Orleans, January 16, 1815.

(Signed)

Js. PITOT,

Judge.

[No. 17.]

*Letter of the chairman of the committee to colonel
Alexander Declouet.*

Colonel Alexander Declouet,

SIR,

By virtue of the joint resolution of both houses of the legislature of the state of Louisiana, passed on the 5th⁶³ instant, you are hereby summoned to be and appear before the committee

appointed in consequence of said resolution, at the government house on Monday the 23d instant at ten o'clock in the forenoon, then and there to answer such questions as may be put to you relative to the military measures taken and executed against the legislature on the 28th of December last.

New-Orleans, January 20, 1815.

By order of the committee.

H. DENT,
Chairman.

I certify that I have executed the order addressed to me by Mr. Dent, chairman of the joint committee of both houses of the legislature, and that I have left a copy thereof in the hands of colonel Alexander Declouet.

22d January, 1815.

J. LAIZER,
Serjeant at arms.

[No. 18.]

*Letter from the president of the committee to Mr.
Augustus Davesac de Castera.*

Mr. Augustus Davesac de Castera,

SIR,

By virtue of the joint resolution of both houses of the legislature of the state of Louisiana, passed on the 5th instant, you are hereby summoned to be and appear before the committee, appointed in consequence of said resolution, at the government house on Monday the 23d instant, at ten o'clock in the forenoon, then and there to⁶⁴ answer such questions as may be put to you relative to the military measures taken and executed against the legislature on the 28th of December last.

New-Orleans, January 20, 1815.

By order of the committee,

H. DENT,
Chairman.

I certify that I have executed the order addressed to me by Mr. Dent, chairman of the joint committee, and that I have delivered a copy thereof to Mr. Davesac de Castera, at 5 o'clock, P. M.

20th January, 1815, camp of maj. gen. Jackson.

J. LAIZER,
Serjeant at arms.

[No. 19.]

Declaration of Mr. Robinson.

Colonel Declouet with major Tessier met me on the evening of the 28th or 29th of December. Major Tessier intimated, as from the colonel, that he had something of importance to communicate. I attended. The major said that the colonel had slept at his brother's house, where he had discovered that some members of the legislature had a design to treat with the enemy. I enquired what members, and the names of Mr. Guichard, Mr. Blanque and Mr. Marigny were mentioned. I asked if the colonel would allow me to mention the subject, and was answered that he had already mentioned it to Mr. Duncan. In the sequel of the conversation major Tessier said, as from colonel Declouet, that these were determined to prevent the destruction and sacrifice of property to military pride.⁶⁵

The above is, as well as we can recollect, the tenor of the conversation as above alluded to.

(Signed)

TULLY ROBINSON,

(Signed)

CHARLES TESSIER.

Sworn to before me,

New-Orleans, January 20, 1815.

J. PITOT, *Judge.*

[No. 20.]

Citation of the committee to colonel Declouet, to appear before them, and the answer of the colonel to said citation.

Colonel Alexander Declouet,

SIR,

By virtue of the joint resolution of both houses of the legislature of the state of Louisiana, passed on the 5th instant, you are hereby summoned to be and appear before the committee appointed in consequence of said resolution, at the government house, on Monday the 23d instant, at ten o'clock in the forenoon, then and there to answer such questions as may be put to you relative to the military measures taken and executed against the legislature on the 28th of December last.

New-Orleans, January 23, 1815.

By order of the committee,

H. DENT,
Chairman.

I certify that I have summoned colonel Declouet to appear before the committee of both houses of the legislature of this state.

January 23, 1815.

(Signed)

J. LAIZER,

Serjeant at Arms.⁶⁶

Answer of colonel Declouet.

[TRANSLATION.]

GENTLEMEN,

I have sent to the legislature a letter from my family received this day, which afflicts me so, as to hinder my appearance; besides your messenger has found me in my bed, sick and very afflicted. I shall appear to-morrow morning, if my strength allows me to do so.

January 23, 1815.

(Signed)

DECLOUET.

[No. 21.]

Declaration of Mr. Davesac.

I was at head-quarters conversing with general Jackson when colonel Declouet came in the room, I believe with Mr. Duncan, having stated to the general that he wanted to speak to him privately, he was invited to a room up stairs, he seemed a little embarrassed, and having observed that he wished to speak to the general alone, I was going to retire when general Jackson observed that he wished me to be present, particularly as he did not understand French, and as colonel Declouet made use of that language. I remained in consequence of that invitation, and Mr. Declouet speaking very slowly, and waiting very attentively for the interpretation of every sentence as he went on, stated what follows as well as my memory serves: That since the invasion of the country had taken place, having come to town, he had had a conversation with a member of the legislature, an intimate friend of his; (he refused at⁶⁷ first to name him, but at last said it was Mr. Guichard, the speaker of the house of representatives) which he had considered as of the greatest importance, that after some vague observations respecting the war, Mr. Guichard addressing him very earnestly, said the war, as carried on by general Jackson, was a horrible one, a Russian war, that Jackson

would burn and destroy every thing, *that he made a Russian war*, that Jackson was worse than the British. That on his observing, that he did not know why the legislature kept sitting at such a time as this, Mr. Guichard observed, that it was necessary that the legislature should sit, to preserve the country, to prevent its ruin and to take measures to save the country; that he gave no answer to this communication, but reflected much about it, and mentioned it to a very good friend, who advised him to make the fact known to general Jackson. While still undecided, and during an attack, he met Mr. Duncan, to whom he spoke, with a view that he should state the fact to the general. He was induced to do so from a fear that if any check was experienced by our arms, the legislature would treat with the enemy; his private opinion is, that a majority of the legislature shared the opinion of Guichard; he means those members who usually vote together, with the exception of Rouffignac, who, he believes, knows nothing of it; he excepted Louaillier, also. This is all I remember with sufficient exactness to state it on oath, but I will answer any question that may be put to me.

Question by the committee.—Did Mr. Declouet designate Mr. Blanque as one of the members disposed to treat with the enemy?

Answer.—When Mr. Declouet said that he thought^{es} that the majority of the house shared the opinion of Mr. Guichard, respecting the war and the manner of carrying it on by general Jackson; he was asked by the general what majority he meant; he said those members who usually vote with Mr. Blanque; the French side of the house; excepting, as I have said before, Rouffignac and Louaillier, the latter of whom, he said, did not always vote with the others.

Question by the committee.—Was any thing said about the senate?

Answer.—I do not remember his saying any thing about the senate, or designating that body particularly.

Question.—Do you know anything of a treasonable nature, on the part of any member of the legislative body?

Answer.—I know nothing.

New-Orleans, January 23, 1815.

(Signed)

A. DAVESAC DE CASTERA.

Sworn to and subscribed before me, this 23d day of January, 1815.

(Signed)

JOSHUA LEWIS,
Judge of the 1st District.

[No. 22.]

Resolutions of the committee ordering the comparison of colonel Declouet's evidence with that of Messrs. A. L. Duncan, A. Davesac, Tully Robinson and Charles Tessier; and to require the appearance of Mr. Favrot, &c,

Resolved by the joint committee of the general assembly, to whom is referred the inquiry relative to the⁶⁹ military measures executed against said general assembly on the 28th of December last, that colonel Declouet shall be called upon and ordered to appear before said committee in the presence of Messrs. A. L. Duncan, A. Davesac, Tully Robinson, and Charles Tessier, who shall be also ordered to appear to day at one o'clock, P. M. then and there to have the depositions of these gentlemen shewn to him, said Declouet, and to be requested to explain the difference that exists between theirs and his own.

Resolved, also, that said colonel Declouet shall be sworn upon a consecrated cross.

Resolved further, that Mr. Favrot shall be also summoned to appear to-day at the same hour to answer, after being previously sworn on a consecrated cross, all questions that may be put to him, relative to the above mentioned measures.

Resolved, also, that father Antoine shall be requested to furnish the committee with a consecrated cross, for the purpose above stated.

January 25, 1815.

H. DENT,
Chairman.

[No. 23.]

Confrontation of colonel Declouet with Messrs. A. L. Duncan, Augustus Davesac, and Charles Tessier.

Pursuant to the resolutions adopted this morning, colonel Alexander Declouet, Messrs. Abner L. Duncan, Augustus Davesac, and Charles Tessier appeared, and the depositions of Mr. A. L. Duncan having been⁷⁰ read to the said colonel Declouet, in presence of all, he answered:

I began by telling general Jackson that I had nothing positive to declare against the legislature, nor any direct accusation

to bring against them; that I merely wanted to communicate to him my apprehensions, and that these apprehensions were founded upon a conversation which I had had with one of the members of the legislature.

I afterwards related to the general the conversation which I had had with that member, in which he had said that we carried on the war like Russians, that the British had more respect for private property than Jackson; that the legislature were the representatives of the people, that it was their duty to sit day and night, and that at all events it was better to sacrifice military honor and glory, in order to preserve the property of citizens—whereupon general Jackson asked me whether I had not conferred upon that subject with any other member of the legislature? I answered no; that the member I had mentioned was the only one, but that as he did usually vote with the majority of the legislature, I feared that body might enter into a capitulation. General Jackson then asked me the name of the member; I hesitated to do so, and told the general that the person was one of my friends.

Mr. Davesac then told me, "Mr. Declouet, you need not be uneasy, this shall go no further." I then named Mr. Guichard, and immediately, after the general got up and told me, "Sir, you may retire."

When I spoke of the majority of the legislature, Mr. Duncan asked me, whether Mr. Rouffignac did not vote in that majority, to which my answer was, he did not⁷¹ vote in the majority I meant; as to Mr. Louaillier, I never uttered his name, nor did I ever think to mention Mr. Blanque's to the general.

The deposition of Mr. Augustus Davesac having been read in that gentleman's presence to colonel Declouet, he answered as follows; "I mentioned to the general neither Mr. Louaillier nor Mr. Blanque."

A reading having been given to colonel Declouet of the deposition of Messrs. Robinson and Charles Tessier, in presence of the latter, he answered; "I told Mr. Robinson what I told general Jackson. Mr. Robinson asked me whether it was Blanque or Blanque's party; I do not remember whether I answered him on that subject; I did not say that I had discovered, but merely that I was afraid the legislature should capitulate. I must add that Mr. Guichard told me that should the British enter New-Orleans, the city was lost, that he knew the British, having been robbed by them of his fortune.

Mr. Abner L. Duncan being called upon to say whether he had any observations to make in answer to the above declaration, replied in the negative, and added with the leave of the committee he would put a question to colonel Declouet. And the committee having consented, Mr. Duncan asked Mr. Declouet whether he (colonel Declouet) had made to governor Claiborne any communication upon the subject which he had communicated to him.

Answer of Mr. Declouet.—I met governor Claiborne on the 28th of December, and I intended to make him the same communication which I had made to Mr. Duncan, but I had no time and did not do it.

Mr. Davesac having been called upon to declare,⁷² whether he had any observations to make; said that he persisted in his deposition.

The same call having been made upon Mr. Tessier, he answered, that respecting the part of Mr. Robinson's declaration, also signed by him, in which Mr. Declouet is mentioned to have said, that he discovered that several members of the legislature intended to capitulate with the enemy, he (Mr. Tessier) thought Mr. Declouet had only said to Mr. Robinson, that he was afraid of a capitulation on the part of the legislature.

And the committee having no further questions to ask from the persons whose declarations precede, those persons were required to take the oath in the usual form, except colonel Declouet, who was sworn upon a holy cross, which was presented to him, and they did upon the said oath attest and certify each for himself the contents of the above declarations as conformable to truth, in the presence of the honorable James Pitot.

A. L. DUNCAN,
C. TESSIER.

A. DECLOUET,
A. DAVESAC.

Sworn to and subscribed before me, this 25th day of January, 1815.

J. PITOT, *Judge.*

[No. 24.]

Mr. Guichard's statement.

[TRANSLATION.]

On the 27th of last month when I got home towards evening I found there colonel Declouet, who had just crossed from the other bank of the river. I should be at a loss was I to relate the

subject of the conversation that ensued, and in which I took hardly any part. Towards eight o'clock I went into my bedroom, with⁷³ the intention of going to bed. He followed me, and asked me, why do you go to bed so soon? my answer was, that being fatigued, I was in want of rest, that whenever he would feel disposed to do the same, his bed was ready. He observed that it was not late, and that we had better talk a little together. I told him that he might talk as much as he pleased; meanwhile I undressed and went to bed. He sat near the fire and began to talk, I do not remember upon what subject; but what I well remember is, that as I did never answer, he once or twice observed, "You sleep I believe." "No, said I, go on." But the fact is, that I fell asleep during the time he was talking, without being able to tell what he said, or when he ceased.

The next morning towards eight o'clock he was called to breakfast, he asked at breakfast why the legislature were not adjourned, "I do not know," did I answer, "for my part I wish they had adjourned, for my private affairs suffer by it."

The conversation fell upon the British and upon the attack that had been made upon them. I perfectly remember that I expressed my surprise at his not having attacked them on the lower part; that had he done so with the 500 men under his command at the same time with the troops coming from the city, every thing would have been terminated on that evening, and that the British would have laid down their arms. He made as if he wanted to tear off his hairs, and expressed a great deal of sorrow that he had not been the master to do so; he said that it had been his intention, but that general Morgan had refused to comply with his request. That, however, they (he and the general, I suppose) having resolved to come towards midnight to reconnoi⁷⁴tre, they had met with a picket of twelve men, who had fired twelve rounds at them, to which they had answered by the same number, and had afterwards retired; that when retiring, general Morgan had, a few steps from the spot, ordered to jump over the fences for great safety, and that the militia falling one upon the other, and in the greatest confusion, they should have all been taken or routed, had the few British who were in the neighbourhood pursued them. He lamented greatly that circumstance, and gave me an occasion to laugh at the kind of regrets he was expressing. However, as one gets tired of everything, I left the table and went into my room to do some writing; I had

opened my desk and taken a segar which I was about to light when he came in, took a chair and sat down near the fire, and then seizing me by the arm, addressed me with a friendly and mysterious tone, "Say my friend, do you think the British intend to keep the country for themselves, and that they be able to do so?" And then he added, "for my part I do not believe it." "Nor I, was my answer, I think it impossible for them." How do they say, he next asked, that they behave with the planters below? Do they commit any depredations? People say they do not, answered I, and I believe they are too cunning not to behave with moderation; their policy has ever been to present themselves as friends and protectors, wherever they went. I do not think they do any harm, said the colonel, and we do more of it than they, for our militia steal, rob and kill the cattle, the planters bitterly complain of them; I even believe he mentioned Mr. Trémé; I do not remember what he afterwards said; I merely recollect that he terminated his observations by saying that should the British succeed in taking the⁷⁵ country, and it should afterwards be retaken by the Americans, it would be crushed to pieces.

But, he added, tell me frankly, what you think would take place, should the English succeed? I think said I, the country would be lost. I even believe I further said, that I knew them to my cost, as they had once before robbed me of every thing. I then went to my desk, and colonel Declouet kept standing before the fire and asked me for the second time, why the legislature did not adjourn? I have already told you, answered I, that I did not know why, and that I could not know the opinion of all the members, who compose it. You are constantly asking me, why this, and why that, and let me now ask you, as we are making questions, why you did not concur in driving back the enemy on the night of the first attack; you would thereby have added to the glory of the American arms, whereas you have left the inhabitants of the country exposed to be sacrificed.—There the conversation ceased for a while, and then the *whys* begun again: Why, asked again Mr. Declouet, those nightly meetings, those secret meetings? What does all that signify? I made no answer, and contented myself with shrugging up my shoulders. Why, said anew Mr. Declouet, when the governor wanted to prorogue you, did you not consent, what does all that mean? There is something in that, you did not answer his message? You are mad, I believe, said

I to him, with a contemptuous tone, do you think the legislature depends upon the caprice of the governor? But I do not like your questions, and I am tired of answering them. Whereupon Mr. Declouet answered, "What I say does not apply to you; no body renders you more justice, or loves you more than I do; but there is⁷⁶ in that d. d legislature, so many intriguers who would either seize all the authority or see the country overturned, that I place no reliance upon them. The legislature, he added, have no reasons for not adjourning, and can have none but suspicious intentions in continuing their session, that is my opinion." On hearing this I abruptly started from my desk and said to Mr. Declouet, you will always be the same; your suspicions never abandon you; and, I added, that the legislature ought to be the centinel of the people, and ready in a crisis like the present, to take such measures as the calamities of war and circumstances might render necessary; and I concluded by requesting him to discontinue the subject; and afterwards took my hat and went out, leaving Mr. Declouet in my room. This is to the best of my recollection every thing that passed between Mr. Declouet and myself.

(Signed)

G. MRE. GUICHARD.

Sworn to before me,

New-Orleans, January 28, 1815,

(Signed)

JOHN P. SANDERSON,

Justice of the Peace.

[No. 25.]

*Resolution of the general assembly, under date of
December 30, 1814.**

SENATE OF THE STATE OF LOUISIANA.

An extract from the journal of the Senate, under date of Friday
the 30th day of December, 1814.

On motion, the following resolution was adopted.

"Resolved by the senate and house of representatives of the
state of Louisiana in general assembly convened." That a joint
committee of both branches of the legislature, to consist of three
members from the house of representatives, and two members

*This resolution is not here in its proper place; it ought to follow immediately
the document No. 1.

from the senate, be appointed to wait on major-general Jackson, and enquire into the reasons that have occasioned the violent measures used against the legislative bodies of this state on Wednesday the 28th instant—what was the order given—and by whom it was given.”

Ordered, that the secretary request the concurrence of the house of representatives, in this resolution, and inform them that Messrs. Mazureau and Dent are named members of the said joint committee, on the part of the senate.

ATTEST,

J. CHABAUD,
Secretary of the senate.

An extract of said Journal under date of Friday evening, 30th December, 1814.

A message was brought from the house of representatives by Mr. Fremont their clerk, to inform the senate that the said house do concur in the resolution passed by the senate for the appointment of a joint committee to wait upon major-general Andrew Jackson; and that Messrs. Thomas, Marigny, and Rouffignac are named by the said house to form the said joint committee on their part.

ATTEST,

J. CHABAUD,
Secretary of the senate.

[No. 26.]

Resolution of the general assembly adopting the report of the committee of inquiry.

An extract from the journal of the senate of the state of Louisiana, under date of Monday the 6th of February, 1815.

“Mr. Dent, from the joint committee appointed to^{rs} investigate the cause of the military orders issued on the 28th of December last against the legislature, having first asked for, and obtained leave, made the following report.” (*See the report annexed hereunto.*)

“And the said report was read,

“On motion, resolved that the report of the committee be adopted.”

Attest,

J. CHABAUD,
Secretary of the senate.

An extract from the proceedings of the house of representatives
of the state of Louisiana.

1ST SESSION, 2D LEGISLATURE,

February 6, 1815.

Mr. Blanque of the joint committee appointed for the purpose of investigating the causes which led to the violent measures employed against the legislature on the 28th of December, 1814, made his report.

And this report having been unanimously agreed to,

Ordered, that the same and all its documents relative thereto be entered on the journals of this house.

Attest,

C. FREMONT DECOUX,

Clerk of the house of representatives.

[No. 27.]

*Resolution of the general assembly ordering the printing of
the report.*

Resolved by the senate and house of representatives of the state of Louisiana in general assembly convened, that the report of the joint committee appointed by both houses to investigate the causes of the military orders issued on the 28th of December last against the legislature, be printed in pamphlets, together with the evidence⁷⁹ taken by the said committee, to the number of five hundred copies in the French and English languages, and that Messrs. Rouquette, Marigny, and Mazureau be a committee appointed to superintend the printing thereof.

Resolved, also, that it shall be the duty of said committee, when the said report and documents shall have been printed, to send one copy thereof to the president of the United States, one copy to the president of the Senate, and one copy to the speaker of the house of representatives of the United States, one copy to each legislature, and to each governor of the other States, one copy to each of our senators and representatives in congress, and that the other copies shall be distributed to all the public officers of this State.

Resolved, also, that a fair and certified transcript of said report and documents shall be immediately made and sent by the secretary of the senate to major-general Jackson.

Resolved, also, that the said committee be and they are hereby authorized to draw from the public treasury all sums necessary to defray the expenses attending the printing of the said report.

D. J. SUTTON,

Speaker of the house of representatives, pro. tem.

FULWAR SKIPWITH,

President of the Senate.

Approved February 6th, 1815.

WILLIAM C. C. CLAIBORNE,

*Governor of the state of Louisiana.*⁸⁰



MRS. WILLIAM PRESTON JOHNSTON

DIED OCTOBER 31, 1925.

In commemorating the life of this distinguished lady, a life-long member of the Louisiana Historical Society, the QUARTERLY is glad to avail itself of the privilege accorded it of reproducing the beautiful tributes paid to her at the memorial meeting held in her memory by the Quarante Club of New Orleans.

I.

ADDRESS BY MRS. ADA HOLCOMBE AIKEN, PRESIDENT OF THE QUARANTE CLUB.

We are assembled this afternoon to honour the memory of our dear ex-leader and friend, Mrs. William Preston Johnston. The gifted speakers who will pay tribute to her today, would seem to render words from me superfluous; yet, as the official mouthpiece of all the silent members of the Quarante Club, I, too, would speak; would voice the affection and admiration she inspired in us all, and touch briefly upon the incidents of her beautiful life.

This gracious Southern lady, Margaret Henshaw Avery, was born in Baton Rouge, the youngest child of Daniel Dudley Avery and Sarah Craig Marsh. Her childhood was spent in Baton Rouge, but twice a year trips were made to the sugar plantation of her grandfather, John Craig Marsh, on Petit Anse Island; one visit in the Spring when strawberries were ripe; the other in the Fall for the sugar grinding, the happiest time of plantation life for ante-bellum children.

The outbreak of the Civil War found the family enjoying one of these visits at Petit Anse; and in 1862 her eldest brother, John Marsh Avery, made the great and undreamed of geological discovery of a deposit of rock salt on the Island, the first one discovered in the Western Hemisphere.

The Confederate armies were in crucial need of salt. The cattle were dying for lack of it. The discovery meant renewed life to the Confederacy. When the Government of the United States heard of the salt industry, established immediately at Petit Anse, and the generous giving away of this necessity of life to the Confederate forces, an expedition was sent under General Banks to destroy it. Mrs. Avery gathered her children and

devoted servants about her and followed the retreating Confederate army into Texas. Here they spent two years suffering the direst hardships of war. But hard times is a great producer of precocity in children, and the little Margaret developed under it, and did a woman's work for her family and the soldiers.

When peace came, her education resumed its place of importance in the family counsels, and she was sent to the Locquet-Leroy Institute in New Orleans, a famous school in its day, patronized by the best families. Here she completed her education. Brilliant winters in society followed, which were ended abruptly by the death of her brother, Dudley Avery, and her dedication of her life to the care of his four motherless children; passing the following years at Petit Anse.

In 1888 she married Colonel William Preston Johnston, son of the distinguished Confederate General Albert Sidney Johnston, and she showed the divinely beautiful qualities as a wife of which she had already made proof as sister and daughter. She was his helpmeet in all his various activities as President of Tulane University and his companion in all his plans, for its improvement. Her first and most notable and important political work was done as President of the Woman's Anti-Lottery League. When the campaign was over, Rev. Dr. B. M. Palmer and Bishop Galleher expressed their admiration and gratitude for the assistance she rendered to this soul-stirring cause.

She became an active worker in the Christian Woman's Exchange and was ever foremost in her response as a friend to the Louisiana Historical Society, furnishing valuable papers to its archives and gracing the meetings with her constant attendance.

During the World War, she rendered able assistance to Queen Mary's Guild and was most hearty in her service. In addition she was ever mindful of other and more intimate needs of her State. An ardent lover of literature, she took pleasure in encouraging and furthering young authors. She herself wrote a book on the "Acadian of Louisiana," that has stood the test of twenty years appreciation by the reading public. It is in fact the only book written from personal knowledge through frequentation of this obscure remnant of people.

The Louisiana State Museum has been enriched by her donations to it of specimens of Acadian weaving, to which she added

a complete and unique collection of Indian basket work, the only collection existing in Louisiana.

For many years she was President of the Quarante Club, when we were all bettered by the example she set of discriminating catholic judgment. In truth, we learned to know her then, not only as a beloved leader and friend, but as a rare embodiment of justice and kindliness.

Her spirit still is lovely
As the golden dawning day.
A strain of music in our hearts!
A flower beside the way.
When twilight shadows gather, a star set far above
A light, a gem, a melody, a memory to love!

II.

BY BISHOP DAVIS SESSUMS

In the death of Mrs. William Preston Johnston a personality of rare beauty and strength of character has passed from earth. Not only is her departure deeply mourned by the members of her family, but it brings sorrow and exceeding regret to a large number of friends in Louisiana and elsewhere—friends who held her in great esteem and reverent admiration.

The influence of her personality was very widely felt and she held a place of high distinction amongst the Louisiana women of her time. She had a very extensive acquaintance with individuals, and held membership in various organizations; and the distinction and strength of her influence came from unique personal qualities which were acknowledged and honored by all who had the privilege of her acquaintance. The combination of delicacy and modesty and strength in her character and manner was very unusual, and it brought to her a very real reverence.

She had deep religious convictions, with ability to give the reasons of her faith. She was devoted to her Church, loving to attend the services of public worship, and always showing reverent devoutness. She was loyally interested in the general work of the Church, and was generously helpful in practical ways. The example of her faith and loyalty and service is one to be truly cherished; and she was a gentle and noble Christian, and a faithful daughter of the Church. In deeds of charity both to causes and individuals she was constantly helpful.

Mrs. Johnston held with a deep and quiet and strong consistency the highest ideals and standards of honor and duty and kindness. She acted nobly because that was her spirit. She was ready to champion her convictions with a fine and steady strength, but with fairness and deep amiability. In her judgment of others she endeavored to interpret them at their best, and her implied appeal as well as her explicit words were surely sources of aid to many people. She had the wisdom which comes of earnest convictions and sympathy; and in meeting problems and situations she gave guidance by this wisdom, and by the tact which came from it. Strong and serene and kind, she fulfilled a life which was sweet and stately; and many hearts will have her in fragrant and grateful memory.

In speaking of Mrs. Johnston, our thoughts naturally go to her distinguished husband, first President of Tulane; and we cannot but express our rejoicing in the manifest happiness of this true man and true woman, so united in their high chivalric ideals, and in their devotion to genuine culture. Throughout her life she showed a clear consistency, holding steadily to her vision of womanhood; having the grace of unselfishness, being humble-minded and self-forgetting even while remaining strong.

"Whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report," upon these things she habitually thought; and grace and peace from the God whom she earnestly worshipped shone in her character.

Grant her, O Lord, eternal rest, and let light perpetual shine upon her.

III.

BY GRACE KING

These Memorial Days in our Club are very beautiful in sentiment, and we love them; but they are infinitely sad. Our friend was always with us when we met in memory of others. Now we meet in memory of her! Our *friend!* the designation has been worn by careless usage into a filament; the words are homely and fall with a commonplace sound on the ear. But, what others can we use in speaking of her?

Our Friend! for as we know she was the friend of every woman in this room. Steadfast and true. Her clasp of the hand,

her grave, earnest, sincere voice in greeting, the ever shining spirit of good will in her eyes always seeking for something to do for some one, and more and more for those who needed it. The need could not outgrow her will to do! Unselfish we knew her to be beyond most women. She had her cares and her sorrows, as we all have, but she thought not of hers but of the cares and sorrows of others. So unconscious was she of herself, that we her friends, too conscious, perhaps of ourselves, became unconscious of her also, and accepted her sweet attentions, her little nameless "unremembered acts of kindness and of love," as we did the light of the sun or any other gift of nature.

To see her receiving in her hospitable home, dispensing the choice gifts of her bountiful board, was a rare pleasure to the honored guest, a pleasure that memory enhances and never forgets. To meet her in society, was to become aware that society though in the world, was not necessarily of the *earthly* world, as we are too prone to think. Never was a more gracious presence sent into it, to be an example of what a society woman could be, was intended to be.

In that dim room where we saw her last, sleeping so calmly in the holy peace of death, so white, so pure, so transfigured by death from all of earth, her fine aristocratic face in all its wonted beauty; her slender fingers holding now, only a few flowers, she seemed indeed far above us on her way, going the way of our prayers. And as we stood beside her and longed for just one more look from the closed eyes, one more greeting from the still lips, it seemed that the words of the good old chapter of Proverbs, the oracular chapter that young girls used to go to in trustful piety for their birthday verse, the supreme verse of it, seemed to be written of her,

"Many daughters have done virtuously, but thou exceedeth them all."



EDITOR'S CHAIR

By HENRY P. DART.

THE SLAVE DEPOT OF THE COMPANY OF THE INDIES AT NEW ORLEANS The Bienville paper in this number of the Quarterly concentrates in a few pages many interesting items regarding official life in New Orleans in the first quarter of the 18th Century, but the distinctive value of the paper is the disclosure that the site of the great slave depot of the Company of the Indies was where Algiers (the Fifth District of New Orleans) now stands.

This corporation was the Master of Louisiana from 1717 to 1731 and one of its obligations to the Crown was to bring into the colony a certain quota of black laborers for the service of the white colonists. While Crozat, the previous grantee, enjoyed the privilege of importing slaves, the Company was contractually obligated to do so and its fulfillment of that duty made it the author and creator of African slavery in Louisiana.

These unfortunate creatures were shipped from the coast of African Guinea. The source of supply, however, was behind the coast line and our records show that the slave catchers went as far afield as the upper reaches of the Congo. They were herded together at some place on the coast and brought in cargo lots to Louisiana. At first these captives were landed and marketed at Biloxi but this was relatively a small affair. After New Orleans became the capital of Louisiana in 1721, the Company, however, increased its efforts and poured thousands of negroes into the colony.

It is now evident that the local rulers feared the assemblage of these barbarous hordes within or close to the little village of New Orleans and a corral was accordingly created across the river under the euphonious name of the Plantation of the Company. The Bienville paper shows that this site was taken out of the enormous grant which he had caused to be made to himself on the opposite bank of the river and in 1737 he formulated a demand against the liquidators of the Company for the value of the tract taken from him for slave purposes. Before this paper was discovered in our archives it was supposed that the Company's Plantation was what its name purported but we now see that the primary purpose was to construct a place of discharge and detention of the slaves

and at the same time to utilize the negroes in productive industry while waiting on purchasers.

The further history of this slave prison (for that, after all, is the proper designation) would make an interesting contribution to our colonial history. While the Company ceased to rule Louisiana in 1731, it still had enormous investments here in the shape of debts due it for slaves and other outfittings of the colonists. Our archives show an active administration of its local affairs in the hands of liquidators and agents involving constant readjustments of old accounts and exchanges and return and resale of slaves. Both delaChaise and Salmon, the Ordonnateurs (or Intendants) seem to have been titular representatives of the Company, but there was always a particular agent charged with the physical work of the liquidation. Dumanoir and Prevost, prominent residents of New Orleans, were successively engaged in this business subsequent to 1731 and down to 1769 with the title of Agent of the Company.

When Governor Perier came over in 1725 he received from the Company a plantation across the river and it may be that this gift had some connection with the Slave Depot. When Prevost died in 1769, the local authorities inventoried in his succession a large plantation below the City with quite a body of slaves on it. The statement was made in the inventory that Prevost was Agent of the Company of the Indies, and that it was well known that he was heavily indebted to the Company. Later on his heirs acknowledged this and arranged a settlement. It may be that this Prevost place was a part of the slave system of the Company. In any event we have here a glimpse of an unexplored corner of life in the old regime and it may serve as a suggestion for further investigation on the subject of slavery in colonial Louisiana.

RECORDS OF THE SUPERIOR COUNCIL
OF LOUISIANA

XXX.

SUPPLEMENTAL INDEX NO. 7

(June, 1737, to August, 1737)

(See Editorial Note on this Supplemental Index, Louisiana Historical
Quarterly, Page 676, October, 1924.)

(Continued from January, 1926.)

By HELOISE H. CRUZAT.

June 1, 1737.
(8347)
1 p.

Declaration by Sr. Aufrere, creditor of Sr. Paul Balcour, that he does not oppose his going to France, if he will sign an obligation before notary for the sums due him, which will be executory in all places and that he give a mortgage on all his goods, present and to come hereafter, in France or elsewhere. Signed: Aufrere.

June 1.
(8346)
1 p.

Declaration by Mr. Bizoton, Comptroller of the Marine, holding procuration of Mssrs. Malon and Laloere, creditors of Mr. Paul Balcour to the amount of 352 livres, that he does not oppose Balcour's passage to France on condition that an obligation be passed before notary for the sums due those he represents, said obligation to be executory in all places where mortgage may be taken on all his goods, present and to come hereafter. Signed: Bizoton.

(8348)

Declaration by Sr. JB Faucon Dumanoir, Agent of the Company of the Indies, creditor of Sr. Paul Balcour, for the balance of his account with said Company, for his administration of the Guardians of the stores of the Marine and of the fortifications, that he does not oppose his passage to France, on condition that he pass before notary, an obligation for all sums due to said Company, which will be executory in all places where mortgage may be had on all his goods, present and to come hereafter, his pretensions and all else. Signed: JB Faucon Dumanoir.

(8350) June 1, 1737. Defense of Sr. Paul Balcour, employee of the King, following petition of Sr. Lafreniere, stating that he owes 2158 livres for settlement of a decree of January 28, 1737, in favor of his creditors. No one in the Colony is ignorant of the disaster that overtook him and that he sacrificed all he had to pay his creditors, and now he finds himself obliged to solicit his passage to France to settle his family affairs and in order to get ready to work with more success to honor demands of his creditors, which purpose he has always had in view. Sieurs Bizoton and Aufrere and the Company of the Indes to whom is due more than two-thirds of his indebtedness, have consented to his going to France, only asking for security executory in any place whatsoever. Sr. Lafreniere who opposes it should consider his position in a country where he is entirely destitute and has his arms tied. He prays that Sr. Lafreniere be ordered to accept the obligation of Sr. Balcour for himself and for Mr. Forand, before notary. Signed: Balcour. Document stained and perforated.

June 1, 1737. **Sale and Transfer** by Sr. Louis Wiltz and his wife, Marie Thomelin, of a house and lot house covered with bark, fenced in with pickets, with brick chimney, to Elizabeth Delatre, minor daughter of deceased Louis Delatre and of Genevieve Champagne. Said house was acquired from Jacques St. Jean, a Swiss soldier, this sale made in execution of order of Mr. Salmon, withdrawn and finally adjudicated for the price of 200 livres, which said Louis Wiltz and his wife have received cash from Elizabeth Delatre, her stepfather. Thomelin and her mother, Genevieve Caron, declaring that this sum really belongs to the minor, from her savings. Signed: Louis Wiltz, Elizabeth Delatre, Thomelin, Hugault, Piquey, Henry, Notary. Document charred and torn.

June 1. **Sale of a Lot**, corner of Toulouse Street, by Pierre Thomelin and his wife, Genevieve Caron, to Marianne Filassier, minor daughter of Estienne Filassier and deceased Adrienne

Cerullan. Said lot was acquired by Sr. and Dame Thomelin from Antoine Bradel, sergeant in the Swiss troops, by sale under private seal. It is now sold for 80 livres, which the vendor has received in cash. Signed: thommelin, Hugault, Piquey, Henry, Notary.

- June 1, 1737. **Petition to Superior Council** by Sieur De Chavannes, complaining of having been cited before this tribunal with demand for costs, damage and interest by Sieur Blondin for not having furnished him with a house and two lots. The difficulty he had in finding a lodging induced said Chavannes to try to come to an agreement with Sr. Blondin. He said that he had rented Sr. Deslandes' house at "12 francs" per month; the situation of this house suited him and even if Chavannes built in another neighborhood he would keep this house and would rent the other to some other person and he agreed that if Chavannes would pay the rent of Deslandes' house until he lodged said Blondin who asked for a letter to Deslandes, which was promised. Chavannes thinks that in paying the rent he has avoided all responsibility for satisfaction, interests and costs. Signed: de Chavannes. See June 1, (9502).

- June 3.
(8364)
(2059)
fo 6.
1 p.
- Declaration in Registry of Superior Council** by Mr. L. Charles de Morand in complaint against a young negro named Scypion, his cook, who went to the butcher shop of Païroc, and began a quarrel with the butcher, who cut him on the finger of his right hand, giving the negro a vulgar message for him and his master. As the butcher had no right to brutalize the slave nor to insult his master, Mr. de Morand asks that the case be investigated by the Attorney General, that butcher may be cited and satisfaction given for the time the negro will be unable to work. Signed: Demorant, Henry, Clerk.

- June 8
(8366)
fo 6.
(2061)
1½ pp.
- Acknowledgment of Indebtedness** by Sr. Louis Le Bretton, Secretary of the Marine, acting as Commissioner of the Port of Mobile, and by Sr. Francois Joseph Couturier, employee of the office of the Marine, Secretary of Mr.

de Salmon, Commissaire Ordonnateur in the Province of Louisiana, to Sr. Nicolas Vatable, Captain of the boat, La Marguerite, shipwrecked before this city, the sum of 6000 livres, which he gave them in Colonial money cards, which sum they promise and obligate themselves individually and solidarily to pay with interest thereon in 15 months, from the 20th of this current month and at the expiration of 15 months the interest to be paid will be 10%; interest for the year being 6%, both stipulating mortgage security on their movables and immovables, present and to come, electing their domicile, Sr. Le Bretton at Mobile, and Sieur Couturier in New Orleans. Signed: Le Bretton, Couturier, Piqueurey, Hugault, Henry, Notary.

Jun. 10, 1737. **Procuration** granted before the Notary Royal (8370) of New Orleans, by Sr. Francois Demoüy, resident near New Orleans, and by Dame Charlotte Orbanne Duval, his wife, authorized by him to that effect, to (blank). The lady was previously the widow of Sr. Louis Chauvin de Beaulieu and she and her husband give this procuration in order to have account rendered of the goods and succession of deceased Sr. Francois Orbanne Duval, father of Madame De Moüy, when living, cashier of the Company of the Indies; also of successions of Dame Elizabeth Alexandre, wife of said Sr. Francois Orbanne Duval, mother of the constituent, to accept or renounce said successions and to claim settlement on Dame Elizabeth Alexandre, her mother, by Sr. Duval, by their contract of marriage, to receive payment, to prosecute until final decree and to receipt and discharge, etc., desiring the said attorney to act amicably, without costs or legal proceedings when possible. Signed: Demoüy, duval Demoüy, Piqueurey, Hugault, Henry, Notary.

June 10. **Contract** passed between Mr. de Salmon, Commissioner of the Marine, Ordonnateur of this province, and Sr. Louis Langlois, who obligates himself to furnish to the King's store, (8368) 8535 pounds of Illinois flour, payable 22 fo 6. (92062) 1 p.

livres per hundred pounds, on delivery, with deduction of 4 deniers per livre for the benefit of the Invalids of the Marine. Sr. Langlois stipulates mortgage security for delivery of same by act passed at the Intendency. Signed: Salmon, Bizoton, f. Galot, DeLaPlace, Henry, Notary.

June 10, 1737. **Contract** passed before Notary Royal between (8369) Mr. de Salmon, Commissioner of the Marine, fo 6. Ordonnateur in Louisiana, and Guillaume (2063) Faucher, journeyman of Illinois, who obligates himself to furnish 6000 pounds of Illinois flour at 22 livres per hundred, to the King's store in New Orleans, to be paid on delivery with deduction of the 4 deniers for the Invalids of the Marine, Sr. Faucher stipulating mortgage security. Passed at the Intendency and signed: Salmon, f. Gallot, Bizoton, DeLaPlace, Henry, Notary. 1 p.

June 10. **Declaration by Louis Brouet**, wheelwright, a (8373) resident of New Orleans, that on the 10th fo 6. instant at 8 o'clock at night, La Borde, La Noue (a Canadian), and Lapierre, cook at Gauvin's, stood before his door and insulted him continuously until 2 o'clock in the morning, evidently to make him come out to ill treat him. They repeated their insults on the next night, La Noue slapped Brouet's friend who was with him and as he tried to prevent it, they all three fell upon him with a club, mutilating his right arm and giving him a black eye and when he cried for help they ran away, crying: thief, whereon the guard arrested him whilst he was dressing his wounds with brandy. He was bled by soldier surgeon named La Vigne, and he now invokes the aid of the law calling for inquiry by the Attorney General, offering to produce witnesses. Signed: brouet, Henry, Clerk. 1 p.

June 11. **Certification** by Dn. Antonio Nietto Carbasal, (8375) Alferez and Commandant of Fort St. Mark of Appalache, of having received 584 pesos (2066) worth of necessary goods from Captain Francisco Marin, by order of the Governor. (584 ½ p. pesos in silver.) Spanish.

June 11, 1737. **Contract** passed before Notary Royal between
(8376) Mr. de Salmon, Commissioner of the Marine,
fo 6. Ordonnateur of the Province, acting for His
(2067) Majesty, and Guillaume Paré, who obligates
1 p. himself to furnish to the King's store in New
Orleans, 4442 pounds of Illinois flour to be
paid at 25 livres per hundred pounds, on de-
livery, with deduction of 4 deniers per livre
for the benefit of the Invalids of the Marine,
Sr. Paré stipulating mortgage security for
said delivery. Signed: Salmon, f. Gallot, De-
LaPlace, Bizoton, Henry, Notary.

June 12. **Certification of Declaration made in Registry** by
(8377) a woman named La Fleury, who remained as
(2068) a slave of the Natchez Indians after the mas-
sacre of all the Frenchmen of that Post, that
fo 6. she alone escaped from the fury of the sav-
1½ pp. ages, that Sr. Charles Cossart, surgeon, was
killed with all the other Frenchmen. Signed:
fleuriau, Bizoton, Bruslé, Petit De Livilliers,
Lassus marsilly, Dalcour, Gautreau, Henry,
Clerk. (Ragged edges.)

June 12. **Procuration** by Sr. Joseph Dutertre, Cadet in
(8379) the Marine Troops of this Colony, who con-
fo 6. firms the procuration he has already given
(2069) Me Posté, Clerk at the Mans (France), and
2½ pp. revoking the one given to Sr. Chevallier, no-
tary at said place, said Posté to see to his
affairs entirely and to demand that Sr. Chev-
allier render an account of all receipts, dis-
charges, etc., for account of Sr. Dutertre,
and to refuse to pay all notes that said con-
stituent may have made during his minority
and whilst he was detained in the prisons of
Charenton and even since he was arrested
by sealed order (lettre de Cachet), consider-
ing all that he may have done before coming
to this Colony as done under compulsion or
under a grievance, having subscribed to all
that he was forced to, only by his desire to
be liberated from prison where he was placed
by the efforts of Mr. Plumart, his brother-in-
law, with the intention of taking possession
of his goods, as he had done naught to de-
serve such a penalty, therefore to force Sr.
Plumart to render account of all his goods,

and also to withdraw from Sr. Plumart's hands all titles concerning his family, contracts of acquisition and generally all that should accrue to said constituent as the sole and only one of the family, Sr. Plumart's wife, his sister, being dead, this present to remain in force until revocation of same, giving Sr. Posté all power as for his own, even for unforeseen cases, on account of the distance. Signed: Dutertre, Hugault, Piquey, Henry, Notary.

June 12, 1737. **Contract** passed between Sr. Salmon, Commissioner of the Marine, Ordonnateur of this Province, and Sr. Jean Baptiste Helene de St. Martin, who obligates himself to furnish to the King's store in New Orleans, 438 pounds of nails, to be paid on delivery at the rate of 20 sols the pound, with deduction of the tax for the Invalids of the Marine, Sr. St. Martin stipulating mortgage on his movables and immovables, present and to come hereafter. Signed: Helene St. Martin, Salmon, Bizoton, DeLaPlace, Henry, Notary.

June 14. **Sale and Transfer** of a negro called Cupidon, to (8382) Sr. Francois Caüe, by Surgeon Pierre de Man-
fo 6. adé, holding procuration of his wife, Dame
(2070) Louise Jousset de la Loere, separated in
1 2/3 pp. goods from him, for the sum of 850 livres, which Sr. Caüe paid cash. Signed: P de Man-
adé, Piquey, Hugault, Henry, Notary.

June 15. **Acknowledgment** by Sr. Paul Balcour that he (8395) owes Sr. Nicolas Chauvin de la Freniere the
fo 6. sum of 2148 livres, 6 sols, 3 deniers on mer-
(2074) chandise received from Sr. de Forans jointly
1 1/2 pp. with Sr. de la Jociniere, for which said Bal-
cours received payment, which was spent on his wife for board and support, which he obligates himself to pay on demand wherever he has elected his domicile, Sr. Balcour being allowed to go to France only to hasten means of said payment. Balcour declares that his domicile will be at Bordeaux, promising, obligating, renouncing, etc. Signed: Balcour, lafreniere, Hugault, Piquey, Henry, Notary.

June 15, 1737. **Contract** passed before Notary Royal between
(8393) Sr. de Salmon, acting for the King, and Jean
fo 6. Merle, resident of New Orleans, who obli-
(2073) gates himself to furnish to the King's store
1½ pp. in New Orleans, two casks of wine of Bor-
deaux at 100 livres the cask, to be paid on
delivery, with deduction of the 4 deniers on
each livre for the benefit of the Invalids of
the Marine, said Merle stipulating mortgage
for delivery. Signed: Salmon, merle, f. Gal-
lot, Bizoton, DeLaPlace, Henry, Notary.

June 20. **Contract** passed before Notary Royal, between
(8400) Mr. de Salmon, Commissioner of the Marine,
fo 6. Ordonnateur in this Province, acting for His
(2076) Majesty, and Mr. Pierre Pinaut, contractor
4 pp. for the works of the Fort of the Balize, in
the presence of Mr. Bizoton, Comptroller in
the Colony, said Pinault to make a dungeon
and build a new guardhouse at said Post and
to raise a building, to place beneath it the
new bakery and to make all necessary re-
pairs according to plans made by the King's
Engineer, Sr. De Verges, who will furnish
certificate for all work done before payment,
which will be paid for by the running foot;
the iron work to be done by the King's black-
smith. Passed at the Intendency and signed
by Salmon, Bizoton, f. Gallot, DeLaPlace,
Henry, Notary.

June 21. **Sale of Lot and Buildings Thereon** to Sr. Ber-
fo 6. nard De Verges, Engineer of the King, by Sr.
(8406) Nicolas Henry, Clerk of Superior Council and
(2078) notary, under their private seals and before
3 pp. undersigned witnesses, on account of the dis-
tance at which the notary is established. Sr.
De Verges has visited the site and buildings
and accepts them without reserve, for the
sum of 1000 livres in current specie, which
purchaser will pay to vendor next Septem-
ber, at which time he intends to take pos-
session of said premises, the vendor to collect
rent thereon until full payment. The vendor
acquired the site with improvements thereon
from Sr. Du Breuil by act passed before Sr.
Rossard, notary, February 14, 1735; Sr. Du
Breuil having made this purchase from Sr.

Pierre Voisin, who held it from Sr. de Morand to whom the land was granted by the General Directors of the Company of the Indies, and who built on it and had it fenced in over 14 years ago. The original title being mislaid, these details given, and sale made with consent of all concerned. Signed: Devergés, Henry, f. Gallot, Broutin, Henry, (paraph).

(8408)

September 6, 1737. Receipt to Sr. Bernard Deverges, Royal Engineer at the Balize, for the sum of 1000 livres, leaving him in peaceful and free possession of the lot and house thereon, above mentioned, and keys remitted to him, as belonging to him. Signed: Henry (paraph), Devergés.

June 23, 1737. **Lease for Three Years.** Lease of the "ancient barracks" granted to Louis Castel de La Roche for three years, by Monsieur Edmé Gatien de Salmon, Councillor of the King, Commissioner of the Marine, Ordonnateur in this Province, acting for the King, with consent of Sr. Bizoton, Comptroller of the Marine; lease to last three years and building to serve as a blacksmith's forge for the service of the King. The lease is to begin on the 24th of this present month, St. John the Baptist's day, and to run three full years until the same date, 1740, at a rent of 60 livres per year, to be paid to the Treasurer of the Marine, said Castel obligating himself to make all necessary repairs and to remit the building at the expiration of the three years in the same condition as it now stands, for which he furnishes mortgage security on furniture and blacksmith's tools which will be in the building, promising, obligating, renouncing, etc. Passed at the office of the Intendency and signed by Salmon, LCastel, f. Gallot, Bizoton, DeLaPlace, Henry, Notary. (Ragged edges.)

(8416)

fo 6.

(2079)

1½ pp.

June 25.

(8251)

1 p.

Summons served on Sr. Gerard Pery, on petition of Sr. Pierre Morin, by Hugault, Sheriff and Crier of Superior Council, at his domicile, to appear before Council at its next session to hear decision in proceedings of March

14, 1737, and declaration that final judgment will be given whether he be present or absent. Signed: Hugault.

(8250)

March 14, 1737. Seizure of amounts in Sr. Pery's possession and other goods, on petition of Sr. Pierre Morin, acting under procuration of Sr. Ferchaud, merchant of Bordeaux, for protection of 114 livres and costs; for 1000 livres due to Sr. Le Brun, pilot. Order to appear before Council at its next session to answer in said proceedings. Signed: Hugault.

June 25, 1737. **Contract of Apprenticeship** of Pierre Lambremont, aged about 12 years, to Menard, tailor,

(8430)

fo 6.

(2082)

1 2/3 pp.

to teach him his trade, entered into by Estienne Mathé and Pierre Lambremont, sons of deceased Marie Martine, first married to Estienne Mathé, secondly to Pierre Lambremont. Sr. Mathé agrees to furnish his minor brother with all he needs of clothes during his four years of apprenticeship. Sr. Menard is to give him lodging and board. It is agreed that whoever breaks this contract will indemnify the other by paying 200 livres without it being possible to prosecute in any way whatever. Signed: Mathé, Piqueury, Hugault, Henry, Notary.

June 28.

(8473)

fo 7.

4 pp.

Marriage Contract between Sr. Noel Soileau, Guardian of the King's stores at the Natchez, son of Jean Baptiste Soileau and of Elizabeth Pellerin, native of Meziere in Champagne, France, on one side, and Demoiselle Marie Joseph Richaume, minor daughter of deceased Pierre Richaume and of Jeanne Francoise Maury, his widow, now married to Barthelmy Bimont, stipulating for his stepdaughter. Signed: Soileau, m richaume, Bimont, janne francoise maroy femme de Bimont, Louis Giscard, Jaffre, Jahan, Lenormand, Piqueury, Hugault, Henry, Notary.

June 28.

(8477)

fo 6.

(2086)

2 pp.

Sale of a Lot measuring two arpents by ordinary depth, adjoining the Ursuline Ladies on one side and on the other house and lot of Francois Lemelle, called Bellegarde, by Gilbert Dumas, called L'Empileur, to Messire Giles Augustin Payen, Chevalier de Noyan,

Knight of the Military Order of St. Louis, Major of the Place of this City, for the sum of 300 livres of current specie, which he obligates himself to pay to the Company of the Indies in settlement of what the vendor owes the said Company. Gilbert Dumas, called L'Empileur, bought this land from Francois Lemelle, called Bellegarde, to whom the Company had granted it, with more extent as proven by certificate annexed to this present. The vendor cedes all improvements on the two arpents that are cleared. Signed: noyan, Dumas, Piquey, Hugault, Henry, Notary.

(8479)

June 28, 1737. Petition to Sr. de Salmon, Commissioner of the Marine, Ordonnateur and First Judge of the Superior Council, by Gilbert Dumas, called L'Empileur, for permission to sell two arpents of land on the upper side of New Orleans, on "the other side of the river," as he has no slaves to cultivate it and has no debts in the Colony. Signed: Dumas.

June 28, 1737. Permission to sell, signed by Salmon.

June 28, 1737. **Sale** by Nicolas Chemitte and Marie Françoise Poullerin, his wife, of a lot with all improvements thereon, situated on Royal at corner of Toulouse, to Sr. Joseph Chastang, for the sum of 400 livres in current specie. This land was granted by the General Directors of the Company of the Indies to Sr. Gaulas, February 6, 1723. Signed: Castan, Piquey, Hugault, Henry, Notary.

(8480)

fo 7.

(2087)

2 pp.

(3482)

June 15, 1737. Petition to Superior Council by Nicolas Chemitte and Marie Françoise Poullerein, his wife, for permission to sell a house and lot situated in this city, which was bought by the said parties from Pierre Chemitte. Petitioners declare that they do not know how to sign.

June 15, 1737. Permission granted on compliance with usual formalities. Signed: Salmon.

(8483)

June 24, 1737. Certification by Sheriff Hugault that the above sale has been cried and posted on three consecutive Sundays, that

there has been no protest, wherefore this present certificate is delivered to serve and avail as need may be. Signed: Hugault.

June 29, 1737. **Declaration in Registry of Superior Council** by Pierre Garçon, called L'Eveillé, that he has had one of his slaves, named Jeanneton, imprisoned for having run away during eight days. She has threatened to leave him and moreover she wished to declare that she was pregnant for him since six weeks, in order to be confiscated. The declarer has arrived only since eight days and has not been able to obtain any service from her, since she had run away until this day when he had her put in prison, where he intends to leave her until he goes up to Illinois. He makes the present declaration to serve as need may be and requests that it be certified, which was done. Signed: pier Garsont dilutil, Jacque Judice, Henry, Clerk.

(8484)
fo 7.
(2088)
1 p.

July 2. **Acknowledgment** by Pierre Le Sage and his wife Francoise Bte, of their indebtedness to Sr. Raymond Amyault D'Auseville, to the amount of 300 livres for merchandise, on date of December, 1727. They obligate themselves solidarily, one for the other, one for the whole, to pay in full, without reduction nor discussion, in the month of June, 1738, furnishing mortgage security on all their movables and immovables, particularly on their plantation, electing their domicile at the said place of Natchitoches, where they reside. Signed: Amyault D'auseville, Piquey, Hugault, Henry, Notary.

(8498)
fo 7.
(2092)
1 p.

July 2. **Protest** by Daublin in Registry of Superior Council, against Sr. D'Auseville, Attorney of Vacant Estates, for delivery of a negro that he would not have bought. Sieur Valentin Joseph Daublin, blacksmith of New Orleans, having heard that deceased St. Jullien's slaves were to be put up for sale, and knowing them to be laborers, and not being able to attend the sale on account of his affairs, sent his wife who bought one of the negroes, whom Sr. Daublin did not recognize on his

(8499)
fo 7.
(2093)
1½ pp.

arrival as one of the slaves he knew and when he inquired of him to whom he belonged he answered that Sr. Verret had owned him. Verret would not have sold this slave if he had been without fault, since he bought another to replace him, therefore Daublin protests against Sr. D'Auseville's sale and declares that he returns the said slave to him to do with as may seem best to him. He should have advertised negroes from different persons and not misled him. Signed: Daublin, Henry, Clerk.

- July 4, 1737. **Contract** passed before Notary Royal between
(8503) Sr. de Salmon, Commissioner of the Marine
(2095) and Ordonnateur of the Province, acting for
2 pp. the King, and Sr. Castel de la Roche, blacksmith of New Orleans, who obligates himself to put in condition the axes and hatchets in the King's stores which are to serve as presents for the Indians, to be paid for at the rate of 35 sols for the axes and 10 sols for the hatchets, on delivery, the tax for the Invalids of the Marine to be deducted from said payment; Sr. Castel furnishing mortgage security on all his goods, present and to come. Signed: LCastel, Salmon, Bizoton, f. Gallot, DeLaPlace, Henry, Notary.
- July 4. **Inventoried.** Listed E. fleuriau. Note for 140
(8501) livres, payable to Ferant, signed by Tixerant.
Slip.
- July 4. **Receipt** for 347 livres, 12 sols, to the Treasurer
(8502) General of the Marine, by Sieur Rene Bouché
(2094) de Monbrun, through his clerk in this Colony,
1 p. for 1580 pounds of Illinois flour delivered to the King's store in New Orleans. Signed: Monbrun.
- July 5. **Marriage Contract** of Robert Avarre, son of deceased
(8505) Francois Avarre and of Francoise, a
(2096) native of Condé, Bishopric of Cambray, resident of Natchitoches and Miss Jeanne Joseph Piquey, minor daughter of Pierre Piquey and Jeanne Fardet, her father being the King's baker in New Orleans, a native of the Chapitoulas, Parish of New Orleans.
fo 7.
7½ pp.

Signed: Piquey, f. Gallot, "J. Piquey,"
Cañe, DuBreuil, robert avuare, piquey, J.
aubert, Hugault, Henry, Notary.

(8511)

July 11, 1737. Acknowledgment before
notary by Sieur Robert Avare and his wife,
Jeanne Joseph Piquey, of having received
from Sr. Pierre Piquey and Jeanne Fardet,
his wife, the sum of 1000 livres, a negress
named Marguerite, appraised at 300 livres,
and furniture worth 200 livres, amounting in
all to 1500 livres, carried in the contract of
marriage, to supply advance of her inheri-
tance to said Jeanne Piquey, his wife, said
Robert Avare and his wife hereafter having
naught to claim from said Piquey and his
wife during their lifetime, as agreed. Signed:
robert Avare, Hugault, "janne piquey,"
avvare, f. Gallot, Henry, Notary.

(8512)

August 3, 1737. Order to file in Registry
the above donation, which was done at the
moment, in order that it be executed in its
form and tenor. It was entered in Register
E. fo. 36, by the Chief Clerk of the Superior
Council. Signed: Henry, Chief Clerk of
Council.

July 7, 1737.

(8515)

fo 7.

(2098)

1½ pp.

Acknowledgment before Notary Royal by Jos-
eph Brazon, of his indebtedness to Nicolas
Cristina, carpenter, for the sum of 108 livres,
10 sols, which he promises to pay in a year
from date, giving mortgage security for said
payment. Signed: Christina, Henry, Darga-
ray, Rossard, Notary.

July 7, 1737. Receipt to Joseph Brazon by
Nicolas Christina for the above mentioned
sum of 108 livres, 10 sols, who is hereby dis-
charged. Signed: piquey, Hugault, Chris-
tina, Henry, Notary. (Document going to
pieces, stained and mutilated.)

July 7.

(8513)

fo 7.

(2097)

2 pp.

Account Rendered by Louis Roy of goods of
minor heirs, issue of his first marriage. His
plantation was sold for 2000 livres, on which
1000 livres were paid to the Company of the
Indies, receipted for by Sr. Dumanoir, Agent
of the Company; 500 livres to Claude Rey-
naud, called Avignon, for purchase of three-
fourths of lot, as per act passed before no-

tary, and as it is necessary to build a house thereon, said Roy and his wife have acknowledged, by these presents, to have received from undersigned notary, with consent of Mssrs. Adam, called Blondin, and of Jean Baptiste Lapierre in the name of Marie Marguerite Roy and of Marie Joseph Roy, the sum of 500 livres, which said Roy obligates himself to employ in building said house, on which they will hold mortgage, Le Roy and his wife objecting to alienation of the lot and house. Signed: Nicolas adam, la pierre, Pigurey, Hugault, Henry, Notary.

July 10, 1737. **Receipt** to Madam Orleans for the sum of 100 (8527) livres for eight months of board to her daughter. Signed: Sr. St. André Supr.

July 10. **Contract** passed before Notary Royal, between (8517) Sr. de Salmon, Commissioner of the King and fo 7. Ordonnateur (Intendant) of the Province, (2099) and Sr. Jean Bancio Piemont, who obligates 1½ pp. himself to furnish 320 "pots" (jugs) of brandy to the King's store in New Orleans, to be paid on delivery by the Treasurer of the Marine at the rate of 51 sols the "pot," with deduction of the 4 deniers per livre for the benefit of the Invalids of the Marine, Sr. Piemont furnishing mortgage security on all his goods. Signed: Salmon, Bizoton, Laborde, f. Gallot, Henry, Notary.

July 10. **Statement of Payment** made to Sr. Lamaury by (8523) Sr. Francois Brunet on what is due to him by 11 community of Sr. Thomas Asselin and his (2101) wife who is now married to Sr. Francois Brunet. (Detailed statement: total 105 livres.) 1 p. Signed: Lamaury.

(8524) July 10, 1737. **Petition** to Superior Council by Francois Brunet, edgetool maker, for order to Sr. D'Auseville, Attorney for Vacant Estates, to pay to petitioner the sum of 285 livres on certificate of Mr. Dumanoir. Signed: Brunet.

July 10, 1737. **Receipt** to Sr. D'Auseville by Sr. Brunet, as husband of Jeanne Asselin, and tutor of the minor child of deceased Sr. Orleans, for payment of the sum of 285 livres, 10 sols. (End charred and torn away.)

(8528)

Statement of letters and other papers received by Monsieur D'Auseville, Attorney of Vacant Estates, from Sr. Brunet as tutor of minor heirs of Sr. Asselin. Then follows detailed statement. (Document mutilated so badly charred as to be illegible.)

(8526)

July 9, 1737. Certificate by Sr. JB. Faucon Dumanoir, Agent of the Company of the Indies in this Colony, that Mr. Asselin, called d'Orleans, owes nothing to the Company.

July 11, 1737.

(8519)

(2100)

fo 7.

4 pp.

Petition to Sr. de Salmon by Noel Soileau, Guardian of the King's store at the Post of Natchez, as having married Dame Marie Richaume, widow of Xaintonge, to allow him to exchange his negro for one belonging to Sieur Larche, who owes the Company, but their indebtedness will be the same and is desirable from the fact that the negro owned by Soileau's wife has contracted an illegitimate marriage with one of Larche's negresses and spends all his time with her and his children. Signed: j. Larche.

(8520)

Consent to aforesaid exchange, signed by m. richaume. Order to communicate to Company of the Indies. Signed: Salmon, Soileau.

(8521)

Permission for said exchange after declaration made in Registry, of their names and from whom acquired, under penalty of nullity. Signed: JB. Faucon Dumanoir.

July 10, 1737. Permission for exchange on compliance with said consent.

July 11, 1737. Following this permission Soileau has turned over to Sr. Larche a negro, Piece d'Inde, named Antoine, without any guarantee whatever, negro having belonged to Soileau's first wife. Larche returns in exchange a negro called Louison. Both parties furnish receipt and express their satisfaction. Signed: m. richaume, Soileau, j. Larche, Bimont, (—illegible, torn), Jahan, Henry, Notary. (Document going to pieces.)

July 12.

(8529)

(2102)

fo 7.

2 pp.

Contract Passed Before Notary Royal, between Mr. Raguet, as Inspector and Director of the Charity Hospital, called the St. John, and Francois Tiocou, a Senegalese negro, who obligates himself to serve in the said Hos-

pital of the sick and the poor, in every way ordered, during six consecutive years, without wages, but on condition that he be fed and clothed, to earn the freedom of his wife, Marie Aram, who will thereafter be free and enjoy all the privileges of the other legitimate wives married to the subjects of the King. Done and passed in New Orleans. Tio-cou declared that he did not know how to sign nor write and document was signed by fr Philippe, Cap Missy; Raguet, Piquey, Hugault, Henry, Notary.

This contract was fulfilled, and in 1744 Governor Vaudreuil and Commissioner Salmon rendered judgment granting freedom of Marie Aram. The documents are printed in full in 3 La. Hist. Qy., 551-3 (Oct., 1920).

July 13, 1737. **Marriage Contract** between Noble Balthazare De Ponfrac, Chevalier De Mazan, Ensign of Troops of the Marine in this Colony, son of Noble Louis de Mazan, Captain of His Majesty's galleys in the Port of Marseilles, and of Dame Charlotte de Bombelles, a native of Rus in Provence, France; and on the other side Demoiselle Marie Carriere, minor daughter of Sr. Francois Carriere and of Dame Françoise Jallot, previously widow of Sr. Babin LaSoune, a native of Mobile. Signed: le chr de masan, marie carriere, veuve carriere, Bienville, Salmon, Mergry Salmon, J. Carriere, LouBoey, EnouL de Livaudais, noyan, B de livaudais, marie Joseph carriere, j faucon de noyan, Tixerant, Marie tixerant, Marguer carriere, Marianne carriere, Le chvr de St aignet, Raguet, pontalba, J.B.Lusser, Hugault, Piquey, Cwre Carriere, Henry, Notary.

(8539)

August 3, 1737. Order by Superior Council after having heard above contract read, that donation therein carried be filed in Registry immediately, which was done in Vol. 35, by the Chief Clerk of the Superior Council. Signed: Henry, Clerk. Demand for filing in Registry of above contract, signed by Fleuriau, is on the margin of p. 8538.

July 15, 1737.

(8549)

2 pp.

Petition to Sr. de Salmon, Commissioner, Ordonnateur of the Province and Judge of Last Resort for the Affairs of the Company of the Indies, by Jean Baptiste Faucon Dumanoir, Agent of said Company, stating that former agent of the Company, Sr. Antoine Bruslé, owes the Company the sum of 10,453 livres, 11 sols, 6 deniers, as unpaid balance of his accounts covering a period of four years, that up to date it has been impossible to obtain a fixed statement of said accounts, nor to enter into any arrangements for security of his debt. Orders of the Council are positive as to seizure and sale of negroes of said Sr. Bruslé, wherefore Sr. Dumanoir is obliged to demand their execution, all the more so as Sr. Bruslé always evades the issue and is never at home whenever it has been attempted to effect a settlement. He therefore prays that Sr. Bruslé be cited before the Council at its next session to settle this account and to permit petitioner to have seized one of his negroes, his wife and their two children, to be sold to the highest bidder, said petitioner reserving the right to come to other conclusions if they seem good. Signed: JB. Faucon Dumanoir.

Permit to cite and seize as petitioned.
Signed: Salmon.

(8547)

2 pp.

close script.

Order by Sr. de Salmon, Commissaire-Ordonnateur of this Province, First Judge in Superior Council, appointed by the King to judge the affairs of the Company of the Indies in last resort, following petition of Sr. JB. Faucon Dumanoir, Agent of said Company, on the 15th inst., permitting citation and seizure, whereon Marin Lenormand, Sheriff of the said Company, resident of New Orleans, assisted by Sieur Pierre Barel and Sr. Hilaire Elsemeau, residents of New Orleans, required witnesses, went to house of Sr. Bruslé, former agent of the Company of the Indies and speaking to him personally, ordered him to pay immediately to Sr. Dumanoir, Agent of the Company, or to the Sheriff, the sum of 10,453 livres, 11 sols, 6 deniers which he owes for settlement of his accounts for four years and for negroes ad-

vanced to him, said account fixed on July 10, 1737, these present summons served on him in the presence of witnesses, that he may not plead ignorance of same. On refusal of payment by said Sr. Bruslé, in the presence of aforesaid witnesses, Lenormand called in two neighbors to be present at the seizure which was executed on furniture, negroes and effects of Sr. Bruslé. Five slaves found together in the kitchen were seized about 3 o'clock in the afternoon, (before sundown), and when asked for their names, which Sr. Bruslé had refused to give, they said they were: Pérette, a negress aged from 35 to 40 years; Louis, her son, about 11 or 12 years; Jeanneton, her daughter, a mulatress, about 5 or 6 years; Francois, another child of same negress aged about 3 years; Crispin, a negro of 20 or 22 years. Continuing the seizure the sheriff entered the house to seize the furniture and effects and found only such objects as the ordinance forbids to seize, and he declared to Sr. Bruslé that he would go to the prisons of this city to enter on the jailer's books the five slaves who would remain there until otherwise ordered by Mr. de Salmon, on petition of Sr. Dumanoir, in default of furnishing a good and solvent guardian owning property, ("ayant pignon sur rue"), whereon Sr. Bruslé presented Sr. Barthelmy Bimont, a resident of New Orleans, answering these conditions, who holds himself responsible for said five slaves, promising to produce them when so ordered by law, under penalty of forfeiting his bond, in all cases except risk by death, or their running away, presenting Sr. Bimont with a copy of said seizure and he signed this present with me, at the same time notifying him to appear before Superior Council at its next session for the Company of the Indies, before Sr. de Salmon, Commissioner of last resort, appointed by the King for the affairs of the Company, to hear what will be ordered as just, and that he may not plead ignorance, a copy of "proces verbal" of seizure as well as summons was left with Sieurs Bruslé and Bimont, before required witnesses. Signed: Bimont, Lenormand, de Cour, Cheneaux.

July 22, 1737. **Protest** filed by Sr. Gauvin against sale and delivery of any effect whatsoever belonging to Concession Dartagnan, until payment of 1805 livres due to him by Sieur Calimache, Director of said Concession, for necessities furnished at various times. Signed: gauvain, Henry, Clerk of Council.

July 22. **Acknowledgment** by Sieur Antoine Bruslé, former agent of the Company of the Indies in this Colony, that he owes said Company the sum of 10,453 livres, 11 sols, 6 deniers, for remainder on negroes advanced to him, and 686 livres, 13 sols, 3 deniers for settlement of his account of administration on date of April 1, 1732, session of February, 1736, as per account up to July 26, 1737, which the said Sr. Bruslé obligates himself to pay to Sr. Dumanoir, Agent of the Company, or to any other named, in a year at most, in default of which seizure of his goods has been agreed on. Release of a negro, a negress and three children given this month, in view of mortgage of movables and immovables given to said Company, and on condition that these slaves cannot be hired nor sold. Signed: JB. Faucon Dumanoir, Bruslé, Bimont, Jahan, Henry, Notary. Approved by Salmon, Commissioner for affairs of the Company.

July 23. **Letter** from the General Directors of the Company of the Indies to its Agent, Sr. Dumanoir, dated March 23, 1737, stating that Sr. Renaud d'hauterive and his wife, who is the widow of Sr. Duval, cashier of the said Company in Louisiana, who died in debt to the Company to the amount of 12,888 livres, have made propositions to Sr. de Salmon who communicated them to the Company, requesting to remain in possession of the movables and immovables listed in inventory of said deceased Duval. Though what they offer is only one-sixth of his indebtedness, the Company accepts their offer on condition of paying one-fourth cash in the course of this year and the remainder at the end of 1738, Sr. and Dame d'hauterive obligating themselves solidarily in the best possible form, and hy-

pothecating towards this payment all that they may possess, without the discount usually granted. In the event that these conditions will not be considered by said Sr. and Dame d'Hauterive, it is ordered to sell to the best advantage all their movables and immovables, negroes and cattle, furniture and whole contents of inventory, as soon as possible, as this affair has dragged too long. This collated copy drawn on July 23, 1737, and signed by Castagnet, Godeheu, Saintard, Handancourt and Cavallier. (Document stained with curled and ragged and mutilated margins.)

(8552)

Before Notary Royal, Sr. and Dame D'hauterive agree to pay to the Company of the Indies the amount due by former cashier, Sr. Francois Duval, the sum of 191,975 livres, 6 sols, 2 deniers, as account was fixed on date of January 15, 1736. They obligate themselves to pay in two payments the sum of 20,000 livres. The Company abandons its pretensions on the movables and immovables of succession of deceased Sr. Duval, on condition that Sr. and Dame D'Hauterive will pay in specie or give letters of exchange in France in three early and consecutive payments, without further reduction of the debt, to-wit: 7000 livres at the end of the present year; 6500 livres at the end of 1739 and at the end of 1740; after which the Company cannot make any claims directly nor indirectly against succession of deceased Sr. Duval, which will belong to Sr. and Dame d'Hauterive without prejudice to Sr. D'Hauterive's individual debts. After agreeing to all conditions, Sr. and Dame d'Hauterive have furnished mortgage security on their movables and immovables, present and to come hereafter. Passed at the office of the Intendency in the presence of Sieurs Francois Gallot and Louis Hugault, as witnesses; signed by Renaud d'hauterive, Charlotte Bossua dhauterive, JB. Faucon Dumanoir, Raguet, Salmon, Henry, Notary. This is a collated copy, dated July 23, 1737.

(8555)

4 pp.

Detailed account of succession of deceased Sr. Duval with the Company of the Indies.

covering the years 1731, 1732, 1734, 1735. Verification of account signed in 1731 by Prevost. Approved: Chastang, Macmahon. 1732 by Bruslé. January 15, 1736, by Prevost.

(8557)
2 pp.

Collated copy drawn July 23, 1737, of excerpt of a letter from the Company written to its agent, Sr. Dumanoir, on date of March 23, 1737, stating that Sr. Renaud d'Hauterive and the lady, his wife, widow of the former cashier of the Company, Sr. Duval, who owed the said Company the sum of 128,886 livres, have made proposals to Sr. de Salmon, to be communicated to the Company, asking to remain in possession of the movables and immovables carried in the inventory of succession of said Duval which amounted to about 40,000 livres. The Company on the same day, accepted this offer of 20,000 livres, though it was but a sixth of the indebtedness, on condition that they shall pay one-fourth cash in the course of this year, and the other three-fourths cash at the end of 1738, to which Sr. and Dame d'Hauterive solidarily obligate themselves, in the best form that mortgage may be made on all that they possess. (See 8551.) Original bears signatures of Castagnet, Gaudeheu, Saintard, Hardamond and Cavallier. (Document charred.)

(8559)

July 23, 1737. Amicable settlement between Company of the Indies, with Sr. and Dame d'Hauterive, through its agent, Sr. JB. Faucon Dumanoir, by act passed before Notary Royal of Louisiana. Sr. Duval at his death owed the Company the sum of 191,975 livres, 16 sols, 2 deniers, following account ended January 15, 1736. On last March 23, the Company accepted the offers made by Sr. and Dame d'Hauterive to pay solidarily 20,000 livres in two payments, excerpt of which letter remains in possession of Sr. Dumanoir annexed to present record. Sr. Dumanoir, Agent of the Company, in presence of and with consent of Sr. de Salmon, appointed by His Majesty to terminate all the affairs of the Company in this country, hereby cedes, transfers and abandons by these presents to Sr. and Dame d'Hauterive

and their heirs, all pretensions of said Company of the Indies on the movables and immovables listed in inventory of Sr. Duval's succession, particularly those carried in inventory dated March 3, 1729. Sr. and Dame d'Hauterive will pay to the Company or to Sr. Dumanoir the sum of 20,000 livres for the funds due in specie, there being now in Louisiana provisions suitable to furnish letters of exchange in France, or money in France, and this in three payments, prompt and consecutive without any reduction of said sum, of 7000 livres at the end of the present year, 6500 livres at the end of next year, and 6500 livres at the end of 1739, after which payments the Company will release them from all further claims on Duval succession, without any prejudice to what Sr. d'Hauterive owes to other individuals. The said Sr. and Dame d'Hauterive have furnished mortgage on all the movables and immovables which they now possess and those which may hereafter come to them, electing their domicile in the city of New Orleans, promising, renouncing, etc. Signed by: renaud d'hautrive, charlotte bossua d'hautrive, JB. Faucon Dumanoir, Raguet, f. Gallot, Hugault, Henry, Notary. Approved by Salmon.

(8562)

December 30, 1740. Receipt to Sr. and Dame Renaud d'Hauterive, by Sr. JB. Faucon Dumanoir, Agent of the Company of the Indies, the sum of 20,200 livres, September 30, 1739; with dates of different payments. Receipt is countersigned by Prevost.

July 29, 1737.
(8577)
fo 7.
(2110)
2 pp.

Petition to Sr. de Salmon by the Ursuline Nuns for payment of board of a mulatress placed under their care in June, 1735, named Marie Charlotte. Her board amounts to the sum of 449 livres, 10 sols. The Attorney of Vacant Estates claims this mulatress, as carried in the inventory of goods of said deceased St. Jullien, which they do not oppose, but it is just that they be paid. Signed: Sr. St. André, Supr.

(8578)

Receipt to Sr. Amyault D'Auseville, Attorney of Vacant Estates, for payment of 449 livres, 10 sols, due on board of a mulatress

placed in their care by deceased Sr. St. Julien. Signed: Sr St André, Sup^r, Hugault, f. Gallot, Henry, Notary. On margin of first page (8577.0) is Salmon order for payment of said sum of 449 livres, 10 sols to Ursuline Nuns and to demand discharge. (Document going to pieces.)

July 29, 1737.
(8572)
fo 7.
(2109)
5 pp.

Marriage Contract of Sr. Joseph Brazon, son of Charles Brazon, and of Genevieve Guieneville, a native of Mont Real, Bishopric of Quebec, on one side, and Demoiselle Francoise Eiguier, minor daughter of deceased Francois Eiguier, and of deceased Marie Besyand, former wife of Jean Baptiste Lapierre. Signed: francois, Eguesier, lapierre, reytet, Pigurey, aufrere, Hugault, aufrere, Henry, Notary. (Document badly charred.)

July 30.
Listed 243.
(8444)
3 pp.
N. P.

Letter from De Flandres of Mobile, to Sr. Fleuriau of New Orleans, stating that it is impossible for him to complete the accounts of Vacant Successions, as since recovery of his health, his clerk, Sr. Bernoudy, has been incessantly busy with the accounts of the Guardians of the Stores of the Alibamons and of Tombekbe. He sends Fleuriau memorandum of the debts of deceased Widow Lazou (Louise Balivet) of which she left a memorandum previous to her death, in Mobile; of those in that city and in New Orleans. Signed: de flandres.

Sr. Fleuriau answered this letter September 16, 1737.

(8435)
No. 1.
1 1/3 pp.

Succession of Louise Balivet, Widow Lazou:

November 13, 1736. Receipt to Sr. Jean Baptiste Prevost, Attorney of Vacant Estates, by Dame Louise Balivet, widow of Sr. Joseph Lazou, the sum of 850 livres towards the purchase of a house acquired from Sr. de Grand-pré, and a tapestry therein, which sale was passed before Notary Rossard and the sum immediately remitted to Sr. de Grand Pré, for security of which the said Widow Lazou mortgages all her present movables and immovables and those to come hereafter and particularly the said house and tapestry, un-

til decision of the Council on disposal of returns of said succession.

Sale passed August 22, 1734. Notice served on Sr. Jean Baptiste Prevost, as Attorney of Vacant Estates, for protection of his rights on house sold to Widow Lazou, by Sr. D'Auseville, and to pay on returns of sale. Signed: Hugault. Filed in Registry, fo. 6.

(8437)

June 28, 1737. Receipt to Sr. D'Auseville for 50 sols for costs for succession of deceased Sr. Joseph Lazou. Signed: Hugault.

(8438)

Listed 402.
1½ pp.
N. P.

June 27, 1737. Statement to Sr. de Salmon, Commissioner of the Marine, Ordonnateur in Louisiana, by Sr. Bizoton, that there is due to the King's store by the succession of deceased Sr. Joseph Lazou the sum of 304 livres for merchandise, as per notes and request for order that payment of same be made by Sr. D'Auseville, Attorney of Vacant Estates, in charge of said succession.

Order by Salmon to D'Auseville to pay above sum and to claim receipt from Guardian of store.

(8438)

June 27, 1737. Decision against Lazou succession and notice served on Sr. D'Auseville to pay 304 livres, 1 sol, and costs, by Sheriff Hugault.

(8440)

2 pp.

June 28, 1737. Petition to Sr. de Salmon, Commissioner of the Marine, Ordonnateur in Louisiana, by Sr. Bizoton, to compel Sr. D'Auseville, Attorney of Vacant Estates, to pay 304 livres, 1 sol, due by Lazou's succession to the King's store, said payment to be made to the Treasurer of the Marine. Signed: Bizoton.

Order to Attorney of Vacant Estates to pay said debt on returns of Lazou succession. Signed: Salmon.

(8441)

Notice of above order served on Sr. D'Auseville at his domicile by Sheriff Hugault.

(8441)

Receipt by Guardian of the King's store to Sr. D'Auseville for payment of 304 livres, 1 sol, following order of Sr. de Salmon, due by Sr. Lazou for 30 quarters of rice furnished January 22, 1733, which, with Lazou's other notes, was cancelled on this date, April 24, 1739. Signed: Gautreau.

(8442)

January 6, 1736. Letter to Sr. D'Ause-

Listed 243.

2 pp.

N. P.

ville by Widow Lazou, asking him to see Sr. Prevost, Attorney of Vacant Estates, in order to furnish from her husband's succession the means of paying for her lodging.

(8433)

1 p.

January 22, 1733. Acknowledgment by Joseph Lazou, captain of the boat, the St. Louis, of having received from the stores of the Company of the Indies, following Sr. Bruslé's order, 30 barrels of unthreshed rice, which he promises to return at the next crop, furnishing mortgage security on all his goods. Signed: Rossard, Notary.

(8434)

April 24, 1739. Certification receipt for payment of 150 livres from succession of deceased Sr. Lazou, thereby cancelling above obligation. Signed: Henry, Notary.

(8447)

Listed 243.

5½ pp.

March 23, 1737. Collated copy of Declaration made on date of April 28, 1736, by Charles Delalande, Guardian of the King's store at Fort Condé, Mobile, acting as Commissioner at said place during absence of Sr. Louis Le Bretton, that having heard of the death of Marie Louise Ballivet, widow of Captain Joseph Lazou, of the King's service, he went to the house of Hubert Demeisu, where she died, accompanied by Sr. Louis de Flandres, Clerk, to take inventory of her goods and to affix seals, but Jeanne Boissinet, wife of said Hubert, said that the deceased owned nothing in the house, that even the clothes she wore were lent to her by her, excepting an old dressing gown of French cloth and an old skirt, both beyond use. She also presented some papers given her by the deceased among which was a receipt written in Spanish by one Sebastien, and a few notes in Spanish that she might collect on arrival of the ship from Pensacola, the deceased having been lodged and fed by her for 25 sols a day, since three months, which she intended to pay when the Attorney of Vacant Estates at New Orleans, would render account of her husband's succession, all of which she affirmed under oath. This collated copy is signed: "de flandres, greffier."

(8432)

November 10, 1736. Excerpt signed by Henry, Clerk of Council, of adjudication of a house in New Orleans, owned by Louise

Balivet, Widow Lazou, belonging to succession of Lazou, to Sr. Dubreuil, for 1250 livres.

July 31, 1737. Succession of Sr. Duguay de Boisbriant:

(8580)

fo 7.

(2111)

3 pp.

Inventory of slaves left in this Colony by Monsieur Duguay de Boisbriant, made on request of Sr. Jacques de Ste. Therese de Langloiserie, his nephew, who declares that he has been informed of his uncle's death, and that these slaves are the only goods left in this Colony by his uncle, de Boisbriant, when he left for France. The negroes appraised by Sr. de Bellile are worth, all together, 8200 livres, the said slaves left in the care and possession of the Sieur de Ste. Therese, who has accepted the charge, to render account thereof when called on to do so by law. Signed: Ste therese de Langloiserie, Seimard de Bellile, fleuriau, Pasquier, Henry, Clerk.

(8582)

(Attached to previous document, dated July 31, 1737):

Petition to Sr. de Salmon by Sr. Jacques de Ste. Therese de Langloiserie, Lieutenant of a company of the Marines, stating that he has been informed of the death of Sr. Dugué de Boisbriant, his uncle, in France, where he lived since several years, and as he left with said Ste. Therese, some negroes and that he owes considerable sums to the Company of the Indies and to different individuals, and that he cannot accept nor renounce his succession before inventory is made, he prays that inventory of said negroes be made immediately, to be afterwards ordered what is right. Signed: Ste therese de Langloiserie.

July 31, 1737. Order of Salmon to take said inventory, committing Sr. Pasquier to take it in the presence of the Procureur General.

Aug. 7.

(8587)

Fo. 7.

(2114)

1 p.

Acknowledgment by Jean Paré, journeyman, that he is indebted to Pierre Garcon, called L'Eveillé, for 680 livres, which said Paré obligates himself to pay in current specie, next June, furnishing mortgage security on all his goods. Signed: Piquey, Hugault, j Pare, pier Garson, Henry, Notary.

Aug. 13, 1737. **Contract** passed between Sr. de Salmon, Commissioner of the Marine and Ordonnateur, acting for the King, and Sr. Francois Guillon, journeyman, who obligates himself to furnish 4,833 pounds of flour to the King's store at Natchez at 28 livres the quintal, to be paid on delivery, with deduction of the tax for the Invalids of the Marine, Sr. Guillon furnishing security on all his goods. Guillon declared that he did not know how to sign. Signed: Salmon, DeLaPlace, f. Gallot.

Note by
translator.

This document bears in the margin: Francois Gallot obligation to Salmon for the King. This is an error. Francois Gallot, who was an employee of the Company of the Indies, signed as witness; the obligation was incurred by Francois Guillon, who could not write nor sign.

Aug. 14.
(8597)
Slip.

Note signed by Piemont to Sr. Henry, authorizing him to receipt for 955 livres, 4 sols, on Sr. Des Brazeaux' obligation of 1084 livres, 2 sols, 7 deniers, the aforesaid amount having been remitted to Piemont from Illinois in letters of exchange.

Aug. 14.
(8607)
Fo. Erj.
(2122)
2½ pp.

Statement of Remedies necessary for the Posts of the Alibamos and Tombekbe, not carried in allowance made by the King. List covers one page.

Jean de Reytet, surgeon, has agreed with Sr. de Salmon, Commissioner of the Marine and Ordonnateur (Intendant), to await payment by the Treasurer of the Marine, at prices stated for the medicines above mentioned, with deduction of the tax for the Invalids of the Marine. Signed: Salmon, Reytet, f. Gallot, Bizoton, DeLaPlace, Henry, Notary.

Aug. 14.
(8594)
4 pp.

Account due by Sr. Brazeaux, a Canadian, to La Reine des Anges. Receipted September 3, 1739.

Aug. 14.
(8605)
(2120)
1 p.

Contract passed between Sr. de Salmon, Commissioner of the Marine, Ordonnateur, acting for the King, and Sr. Jean Baptiste de Monbrun, who obligates himself to furnish to the King's store in New Orleans, next spring, 4,493 pounds of Illinois flour, which Sr. Salmon

promises to have paid by the Treasurer of the Marine, on delivery, at the rate of 20 livres per 100 pounds, with deduction of the 4 deniers per livre for the benefit of the Invalids of the Marine, Sr. de Monbrun stipulating mortgage security for same. Signed: St Laurent Monbrun, Salmon, DeLaPlace, f. Gallot.

Aug. 14, 1737. **Contract** passed before Notary Royal, between
(8606) Sr. de Salmon, Commissioner of the Marine
(2121) and Ordonnateur in Louisiana, and Sr. Jean
1 p. Baptiste de Monbrun, who obligates himself to
furnish 2,000 pounds of Illinois flour to the
Post of Arkansas, to be paid on delivery by
the Treasurer of the Marine at 20 livres per
100, in current specie, with deduction of the
tax for the Invalids of the Marine, said Sr. de
Monbrun stipulating mortgage security on all
his goods. Signed: St Laurent Monbrun, f. Gal-
lot, Salmon, DeLaPlace.

Aug. 14. **Procuration** before Notary Royal of the Province
(8603) of Louisiana, by Messire Jean Baptiste Le
Fo. 7. Moyne De Bienville, Knight of the military
(2119) order of St. Louis, Governor of the said prov-
1 $\frac{2}{3}$ pp. ince, acting for Messire Dartaguet, Duchy of
Herondeville, interested in the Concession of
"St. Philip du Grand Maret" in Illinois, who
by these presents, following a letter written
by the said Sieur, dated March 5, (1737), ex-
cerpt of which was filed in the moment, has
constituted his special and general attorney,
Sr. Louis Auguste de la Loere Flaucourt, prin-
cipal Clerk at the Post of Illinois, to act in his
name and in that of those interested in said
concession, owning an allotted share therein,
who are solvent, according to clauses and con-
ditions of aforesaid letter, empowering said
La Loere to revoke the administrator of said
Concession and to demand that account be
rendered of their incumbency up to date, to
receive balance and to receipt and give valid
discharge, promising to ratify all that said La
Loere may do under this procuration. Passed
at the "Hotel de Sr. Bienville" on above date.
Signed: Bienville, f. Gallot, DeLaPlace, Hen-
ry, Notary.

Aug. 15, 1737. **Acknowledgment** before Notary Royal by Sr.
(8610) Jean Paré, journeyman coming from Illinois,
(2123) of his indebtedness to Sr. Jean Baptiste Bancio
1 p. Piemont, merchant of the cargo of the ship La
Reine des Anges, of La Rochelle, for the sum
of 576 livres, 11 sols, 8 deniers, and moreover
a sum belonging to the cargo, all of which he
promises and obligates himself to pay on re-
turn of the convoy to Illinois and at latest in
the course of next year, 1738, for security of
which he hypothecates all movables and im-
movables he now owns and those that may
come to him hereafter, electing his domicile
in house of Sr. Larche Grandpré where all
notices may be served on him. Original
signed by f. Gallot and DeLaPlace, Paré de-
claring that he did not know how to write.
This document signed solely by Henry, Notary.

See
No. 8617
post.

Ragged and curled margins, inner margin
torn.

(8612) Account due by Mr. Parey, a Canadian, to
2 pp. the ship La Reine des Anges of La Rochelle,
total: 576:11:8:

Aug. 14.
(8599)
Fo. Tn.
(2118)
4 pp.

Engagement of Prevost as expert accountant to
audit the local books of the Company of the
Indies.

Agreement between Sr. (J. B.) Prevost and
Sr. Dumanoir, whereby former obligates him-
self to Sr. Dumanoir to "produce" all indi-
vidual accounts, as well as those of account-
ants who have had to handle them and those
of all persons who had business with the Com-
pany of the Indies, without exception, during
the five years from July 1, 1737, to August 1,
1742. Each year Sr. Dumanoir shall pay Pre-
vost 2845 (livres) for his support, beginning
March 1, 1736, until August 1, 1742, more-
over, Sieur Dumanoir promises to pay him
25,000 livres as a "gratification" to replace a
salary and to recompense him at the comple-
tion of the said work. Sr. Prevost on his side
obligates himself to complete all individual
and general accounts, without for any pretext
whatsoever being able to cease this work un-
der penalty of nullification of this agreement.
If on August 1, 1742, the accounts be unfin-
ished, Sr. Prevost will continue at his cost and

expense without any reservation, the same payment being allowed to him should he finish sooner. If in 1742 Sr. Dumanoir is still awaiting the funds for his payments, Sr. Prevost will be obliged to await receipt of said amounts. After this work is completed Sr. Dumanoir will be obliged to pay said gratification to the bearer of said Sr. Prevost's procuration if the latter leaves for France, whenever he shall have received the aforesaid sums. Sr. Prevost also obligates himself to furnish Sr. Dumanoir immediately the indication of the books and papers which may serve to compile the accounts with more facility, so that Sr. Dumanoir may verify them if it suits him. It is well understood that if any accident should happen to Sr. Prevost during the five years allowed to cover this work, his heirs or others will have no claim on the "gratification" aforementioned. Sr. Prevost agreed to all these conditions as well as Sr. Dumanoir, and the above agreement was made in duplicate August 8, 1737. Signed: JB Faucon Dumanoir, Prevost.

(8601)

August 14, 1737. Sr. Jean Baptiste Prevost demanded that the above conditions and clauses be entered in the minutes and demanded that act be passed of same. Signed: Prevost, Henry, Notary.

(8602)

1 p.

Agreement between Sr. Jean Baptiste Prevost and Sr. Jean Baptiste Faucon Dumanoir to adhere strictly to obligations incurred by "treaty" of August 8, 1737, Sr. Prevost promising to observe all conditions there enumerated and Sr. Dumanoir to pay as agreed (details). Signed: Prevost, Jb. Faucon Dumanoir.

In mutilated corner of document part of "Approval of Commissioner of the King for the affairs of the Company of the Indies" and part of signature of Salmon. Document charred, mutilated and in very bad condition.

Aug. 15, 1737. **Acknowledgment** by Jean Baptiste Paré, journeyman coming from Illinois, of his indebtedness to Sr. Jean Baptiste Bancio Piemont, merchant of the cargo of the ship, *La Reine des Anges*, of La Rochelle, to the amount of

(8614)

Fo. En.

(2124)

2 pp.

576 livres, 11 sols, 8 deniers, for merchandise and moreover for a sum from the cargo, which said Paré promises to pay to Sr. Bancio on return of the boat from Illinois or at latest in June, 1738, furnishing mortgage security on his movables and immovables, electing his domicile in house of Sieur Larche Grandpré. Signed: f. Gallot, DeLaPlace, Henry, Notary. See: August 15, 1737 (see note 8610).

Aug. 15, 1737. **Lease of Two Negroes** named Jacques and Petit (8616)
Fo. En. (2125)
2 pp.

Jean, by Sieur Louis Tixerant to Sr. René Bouché de Monbrun, to make the voyage to Illinois with him, as rowers. They are not to be overworked and if it happens that the negroes be drowned or killed by the savages, it will be for account of Sr. de Monbrun, the lessor being the loser only in case of a natural death. Sr. de Monbrun promises to remit negroes to Sr. Tixerant on Sr. Darensbourg's return, said negroes to return to New Orleans by boat. Lease is made for the quantity of 3,000 pounds of Illinois flour which Sr. Monbrun will send on their return, furnishing mortgage security on all his goods. Signed: René bucher de Montbrun, f. Gallot, Tixerant, DeLaPlace, Henry, Notary.

Aug. 16.
Fo. 7.
(8618)
(2126)
2 pp.

Acknowledgment of indebtedness by Jean Deulude to Pierre Garson, called L'Eveillé, for the sum of 1100 livres received in cash in current specie, which Deulude promises to pay in June, 1738, on his return from Illinois, furnishing mortgage security on his movables and immovables. Signed: f. Gallot, DeLaPlace, Henry, Notary.

(8619)

July 15, 1738. Receipt for aforesaid sum of 1100 livres by Pierre Garson to Jean Duleude.

Aug. 16.
(8620)
Fo. 7.
(2127)
1 2/3 pp.

Lease of a Negro (Piece d'Inde), by Sr. Henry de LouBoey, to Sr. Francois Rivard, to go with him on a voyage to Illinois, for 1500 lbs. of Illinois flour. Conditions that negro shall not be overworked and that if he is killed by the savages or drowned it will be for account of Sr. Rivard, Sr. de LouBoey to bear the loss only in case of a natural death. Sr. Rivard stipulates mortgage security. Signed: Lou-

Boey, fr. rivard, f. Gallot, DeLaPlace, Henry,
Notary.

Aug. 16, 1737. **Acknowledgment** by Sr. Francois Larche Grandpré of his indebtedness to Sr. Jean Baptiste Bancio Piemont, merchant of the cargo of the ship *La Reine des Anges*, for the sum of 512 livres, 6 sols, 4 deniers, which he promises to pay in June, 1738, stipulating mortgage security on his movables and immovables. Sr. Larche Grandpré declared that he could not write nor sign. Signed: DeLaPlace, f. Gallot, Henry, Notary.

Aug. 16. **Lease of a Negro**, called Scipio, by Sr. Joseph Carriere, to Sr. Larche Grandpré, to make the voyage with him from New Orleans to Illinois, for 1500 lbs. of Illinois flour when the negro is returned as per agreement, on condition that said slave will not be illtreated nor overworked and that if he is killed by the savages or is drowned that the loss will be on Sr. Larche Grandpré, Sr. Carriere bearing only a loss by natural death. Sr. Larche Grandpré stipulates mortgage security and declares that he did not know how to write nor sign. Signed: Joseph Carriere, f. Gallot, DeLaPlace, Henry, Notary.

Aug. 16. **Petition to Superior Council** by Dame Marianne Malo, wife, separated in property, of Sr. Balcour, for citation of Cariton, a tailor, to compel him to pay a note of 80 livres, which has fallen due since last July, with that of 150 livres previously due, and to bear costs. Signed: Hugault, for Madam Balcour.

August 16, 1737. Citation issued by Salmon.

August 16, 1737. Notice of citation served on Cariton by Sheriff Hugault.

(To be Continued)

INDEX TO THE SPANISH JUDICIAL RECORDS
OF LOUISIANA

XIII.

(Continued from January, 1926.)

March, 1773, to May, 1773.

By LAURA L. PORTEOUS.

1773—March 1.
Alphonse Faussier
vs. Carlos Jouet.

No. 34. 9 pp.

Court of Governor Unzaga.
Assessor, Cecilio Odoardo.
Escribano, Andres Almon-
ester.

To collect for a delivery of
cotton, and the return of the
obligation.

said contract be returned to him. Unzaga on Odoardo's advice
rules:

Let Carlos Jouet be notified that within one day he must
exhibit the obligation as has been requested and of which
he must acknowledge himself satisfied and if he does not do
so put him in prison in virtue of this decree. Assessor's
fees 10 reales.

He is away from the city so can not be notified. The plaintiff
asks for a writ of citation as Jouet is on his boat about two
leagues from the city upper river. The writ of citation is issued,
Fromentin, the deputy sheriff notifies Almonester that he served
the writ in person and that Jouet answered that he had no busi-
ness to take him to the city although he had seen that the writ
was an order from the Governor.

March 8, 1773, Faussier says that the obligation has been
returned to him. He asks that the voucher he filed at the begin-
ning of the suit be also returned to him and that the costs be
taxed, which he will promptly pay. This is granted provided
he gives a suitable receipt, which he does. Costs taxed March
8, 1773, at 11 pesos, 2 reales.

This record is in very bad condi-
tion, the entire top of the folio
has been eaten away by the rats.
The plaintiff says he signed an
agreement with the defendant to
deliver to him a consignment of
cotton which he has done, but
now he refuses to pay him. He
asks that the signature and con-
tract be verified by Jouet. This
he does on March 2, declaring
that the contract is in his pos-
session. Faussier prays that the

March 2.

**Andres Carriere vs.
Francisca Caminada.**

No. 3915. 8 pp.

Court of Governor Unzaga.

Assessor, Cecilio Odoardo.

Escribano, Juan B. Garic.

To collect a debt.

the strength of his having acknowledged the signatures, the plaintiff prays for a writ of execution, which was issued but before it is carried into effect the two litigants declare that they have come to an agreement and ask for a taxation of costs which Caminada agrees to pay. The record ends here without taxation being made.

March 4.

**Juan Astier vs.
Joseph Loppinot.**

No. 3804. 4 pp.

Court of Governor Unzaga.

No Assessor.

Escribano, Juan B. Garic.

To collect a debt.

the costs. As the money has been due for 5 years he asks that defendant be ordered to settle within a short space of time and also costs. This is ordered sent to the Assessor. This record ends here.

March 4.

**Alexandre de Clouet
vs. Antonio Lepine.**

No. 32. 8 pp.

Court of Governor Unzaga.

Assessor, Cecilio Odoardo.

Escribano, Andres Almon-
ester.

Proceeding by seizure
against the movables of an
absentee.

Andres Carriere M o m b r u n t claims 131 pesos on several notes. Caminada, because he is a Prot-
estant, takes oath on the Holy
Evangelists, and declares that
the signatures to the notes are
his but he does not owe the
amount stipulated as he has made
several payments on account be-
fore the date of maturity. On

The plaintiff claims 165 livres on
notes and accounts. He asks ver-
ification of the debt. This is or-
dered done. Defendant is out of
the city and the Escribano is
unable to notify him. Astier prays
for a writ of citation which is
ordered issued. April 21, plain-
tiff sets forth that Loppinot is
willing to pay the debt but not

This document is very much rat-
eaten and tattered but enough
remains to make fairly good
sense. The plaintiff presents three
exhibits, 1st, a receipt signed An-
toine Lepine in St. Genevieve, on
August 6, 1766, to the effect that
he has received from Mr. Legriel,
according to Mr. Dubreuil's or-
ders a boat, in good condition,
which he promises to turn over
to Mr. Maxent in the same con-
dition when he arrives in New

Orleans. 2nd, Certificate of the foregoing receipt dated January
24, 1769, signed Antonio Lepine, Chevalier de Clouet, witness,
Moncharvaux. 3rd, A letter dated July 18, 1769, signed Dubreuil,
supposedly to Mr. de Clouet, to the effect that he is sending
Lepine's signed receipt for the boat.

On the strength of the foregoing exhibits the Chevalier de Clouet in a French petition asks for the seizure of all pirogues in charge of the different hunters belonging in the name of Antoine Lepine now in the hands of one called Coquillet for the amount of a boat that he has acknowledged to owe Mr. Dubreuil of Illinois. March 4, 1773, Unzaga rules:

Let Coquille retain, provisionally, the pirogues that are said to belong to Antoino Lepine until some other thing is provided by this Tribunal. Alexandro Clouet must form his demand, as it should be, in the Spanish language within one day with a warning that the effects of which it is composed will be issued to the interested (party).

March 9, De Clouet presents his new petition modeled after Spanish procedure, saying that his client Luis Dubreuil in 1766 delivered a canoe with all its appurtenances to Antonio Lepine who was to return it to its owner Gilbert Maxent in this city. That Lepine has kept the canoe and the result is that Maxent has brought suit against him in the Old Council and he has been condemned to pay 500 pesos for the said canoe. This he was obliged to pay reserving the right to sue Lepine, but against whom he could never take action because he is always absent hunting. He has been advised that Lepine has ordered a pirogue to this city loaded with the fruits of the chase (hunt) all consigned to Coquillet and under his name to excuse himself from paying for the canoe. As he is always absent from the city he is obliged to direct his action against the said Coquillet, and that he swear and declare that the stock in kind or in merchandise which he holds belongs to Lepine, his principal debtor, so that he may be paid back the 500 pesos he was obliged to pay Gilbert Maxent. Signed Alexandre Chev. de Clouet. Granted.

August 4, De Clouet, acting for his client, Luis Dubreuil, states that he has heard that Lepine is in Arkansas and its immediate vicinity, he prays that these proceedings be sent to the commander of that post authorizing him to seize all the property belonging to Lepine until he has paid the said sum with costs.

Unzaga on Odoardo's advice rules: Let these proceedings be transmitted to Captain Don Fernando de Leiva, Commander of the Arkansas, in order that he may have Justice, and if any difficulty be offered to impede it, let the case be returned to this Tribunal, making Lepine appear for himself or by procuration and leaving the property secured for the debt for the sum that is demanded until such time as some other thing is determined with knowledge of the cause.

The record ends here.

1773—March 5.

Salomon Mallines seeks judicial inquiry to discover the author and accomplices in the robbery of his store on the 5th of September of the year just past.

No. 39. 19 pp.

Court of Governor Unzaga.

Assessor, Cecilio Odoardo.

Escrib., Andres Almonester.

Plaintiff represents he wishes to take action against the person or persons who about September 5, of the year just past, surreptitiously entered his store and robbed him of 22 woolen blankets, of 3 width, of one kind, and 25, the same 2½ width of another; a gun, a mattress for a bed, a woolen coat. Some days ago he found and recognized the gun in the shop of one called Nicolas,

the gunsmith. It is convenient to his right to know how it came into his possession. He prays that he be cited to declare how he came by it and that this declaration be delivered to him to use when suitable to his interests. The gunsmith is summoned and under oath testifies that some eight or ten days before a negress, whose name he does not know, but who is said to belong to Pedro Dutertre came to his house with a gun sent by her master to be repaired as he wished to sell it, giving this as a reason for mending. He knew this gun to belong to Salomon Malline as it was the same that he had seen in his house before the robbery, but the barrel had been scraped and the wood cut in some places. He reported the matter to Salomon Malline so that he could take the necessary proceedings to recover his property, and retained the gun until the truth will be known. Signed Juan Nicolas.

March 6, Salomon Malline states that according to the foregoing declaration it is evident that a negress belonging to Pedro Dutertre took the gun that had been stolen from his shop to the gunsmith for repairs and though disfigured in parts it was recognized as his property. He prays that the gun be returned and the negress arrested and that the necessary steps be taken to find the culprit and accomplices, secure their persons and seize their property and when the crime against them has been proven punish them according to law.

Unzaga on Odoardo's advice: That the negress belonging to Pedro Dutertre be put in prison without communication and that the present Assessor take the testimony of the witnesses to be called who will be questioned on the denunciation made. Let the gun be taken and held by the present Escribano. Assessor's fees 10 reales.

On the same day Nicolas Fromentin, deputy sheriff, reports to the Escribano that in virtue of the foregoing decree he placed Manon, Mr. Dutertre's slave, a prisoner in the public jail in charge of the warden there.

March 8, Cecilio Odoardo commissioned by Unzaga began taking testimony. The first to be called was Manon, belonging

to Mr. Pictet and leased to Pedro Dutertre. Under oath she declared that Mr. Dutertre bought the gun from Luis, a free negro, and that she took it to the gunsmith to have it repaired. She was asked where this negro is and where does he live? She answered that he goes up above to work on Mr. Le Blanc's plantation and that to-morrow or the day after he will be in the city and that he lives at Mr. Dutertre's when here. She was asked if she would know the gun if it was shown to her? She said if it had been repaired and the lock of the gun made she would not know it but if it was as she had taken it she would recognize it. She did not sign as she could not write. Signed by Doctor Odoardo and attested before Andres Almonester.

The next to appear is Pedro Dutertre, who testifies that about 10 or 12 days before, the free negro, Luis, sold him the gun which he sent to have mended at the gunsmith's shop for 3 pesos, because of its bad condition. It was returned to the same negro in order that he might carry it to Nicolas, but instead, he gave it to the negress whom he had leased and that after this he resumed his voyage to the country two leagues from here where he works. He was asked if he knew where the negro got the gun? He answered the said negro told him he had it from an Acadian or a Canadian traveler. He was asked if he knew when this negro would come and where he lived when here? He answered he would come Wednesday or Thursday and when here he lives at his house. Signed by Pierre Dutertre, Doctor Odoardo, Attested before Andres Almonester.

The next entry is dated May 18, when Luis, the free negro, now a prisoner, appears before Cecilio Odoardo and under oath testifies that the gun about which he is questioned was given him by a negress called Helena, Mr. Labarre's slave, although at the time he sold it to Mr. Dutertre he said he had bought it from a white traveler with a view of selling it for more.

May 19, Unzaga, on Odoardo's advice, rules:

Let the free negro, Luis, be re-committed to prison and let a writ be issued to embargo and sequester his property in the usual form, making it evident by certificate of the warden that he holds him in charge and let the present Assessor take his confession. Assessor's fees, 12 reales.

In fulfillment of the foregoing decree the proceedings for the embargo are made by Nicolas Fromentin, deputy sheriff, accompanied by the present Escribano. He reports he went to make the seizure, but this could not take effect because Fromentin was informed that Luis did not have a house or anything. In testimony whereof he sets this down as a matter of record. On the same day the warden of the prison certifies

that he holds the person of Luis, the free negro, who does not sign, as he can not write.

May 21, Cecilio Odoardo takes Luis' confession as follows: In answer to the usual questions he answers that he is named Luis, native of Curaçoa, aged 30, a bachelor, and a cook by trade. He was arrested by the guard on an order from the Governor, because he had a gun belonging to Salomon Mallines. He was asked if he wished to have his previous declaration read to him and made a part of his confession. He said yes, and when it was read to him he said he understood it well and that it was as he had made it and he affirmed and ratified it and he wished to make it a part of his confession. He was asked where he got the gun? He answered the negress Helena, belonging to Mr. Labarre, had given it to him as a present and that he acknowledged to selling it to Pedro Dutertre for 3 pesos. He was asked how he could say the negress Helena gave it to him as a present when it was stolen from Mr. Mallines? He answered that although he had a reputation for being a thief, he was not so in reality and that he did not know if the gun had been stolen from Mr. Mallines or not. He was asked if he did not know that stealing was a crime and that the laws punished thieves very severely? He said yes he knew it but that he had not committed any theft. Other questions were put to him concerning the case but he answered that it was as he had stated and having read to him his confession word for word, he said that it was according and as he had declared, and that he affirmed and ratified it. He did not sign because he could not write. Signed by Doctor Odoardo, before Andres Almonester.

December 2, Salomon Mallines sets forth that he can no longer prosecute this case as he is not certain who committed the robbery and to avoid costs for taking testimony and other proceedings he asks to be separated from the cause by due form of law. Unzaga, on Odoardo's advice, rules:

Let the separation be made and appoint as Promotor Fiscal (Prosecuting Attorney, or Attorney for the Crown), Francisco Broutin, who must qualify, and when this is done deliver to him the records so that within three days he may formulate his case.

Broutin qualifies and on December 9, presents his argument in the form of a petition, as follows: That, as Attorney for the Cabildo (Procuradoe del Numero) and as Prosecuting Attorney for the Crown (Promotor Fiscal) appointed in the criminal cause officially prosecuted against the free negro, Luis, for the robbery of Mr. Mallines' store, who has been accused civilly and criminally of the theft, he charges him with the crime after examining the evidence given by witnesses, and Luis' confession. He asks that the punishment established by

law for thieves be meted out to him, declaring him a "robber and a highwayman," so that his chastisement will serve as a public example. He sums up the case, saying: As it appears Mallines' shop was robbed of a gun and on the same night other merchandise was taken which the owner has reclaimed. Luis knows that stealing is forbidden, notwithstanding this knowledge he robbed a shop situated in the Streets of this city. He then scraped the barrel of the gun he had stolen and cut some parts of the wood. The "sophistries" of the said Luis that he delivered the gun to the negress Manon, leased to Pedro Dutertre to carry it to the gunsmith for repairs is proof that he did not wish to carry it himself, fearing that the gun would be recognized as the one stolen and that he was the thief. Another "sophistry" of the said Luis is his declaration to Mr. Dutertre that he had bought the gun or had it from an Acadian or a Canadian traveler, afterwards declaring that it was a gift from Mr. La Barre's slave, Helena. Besides, he has always had the reputation of being a great thief in this Colony. He asks that Justice be given to Luis and that the negress called Helena be put in prison without communication and the order given to proceed with her interrogation in conformity to the declaration made against her. This is sent to the interested parties.

January 10, 1774, Luis answers from the public prison, praying that he be absolved from the robbery which he has not committed as the Prosecuting Attorney claims, as he will prove by the following: First, nothing has been proven against him from the declarations made by the witnesses as has been claimed. As it appears, Mallines' shop has been robbed by some unknown parties and a gun that was taken has come to him as a gift from Helena; he does not know where she got it. The sophistry to suppose that he had given it to a negress for fear of it being recognized is a false accusation by the Prosecuting Attorney because the gun was sold by him to the negress' master. Inasmuch as his other sophistry is equally false he refers to his confession. As for what concerns his bad reputation, it is false, too, as no accusation has been proven against him. He is neither the author nor the accomplice in the said robbery. He prays that he be ordered released from jail and that Helena be questioned upon his allegations. Unzaga, on Odoardo's advice, rules: that the cause be received for trial within nine common days.

There is no summoning of witnesses, interrogatories nor publication of proofs. January 13, Broutin, as Prosecuting Attorney, says that this case has been ordered received for trial; he asks that the documents, Mallines' first two petitions and his own argument, be reproduced with all else favorable to the proceeding. He further sets forth that the witnesses

who gave testimony have dispersed, "vagabonds, poor and miserable," it is not possible to find them again. He asks that the declarations previously given be accepted as ratified. This petition is granted as prayed.

February 9, 1774, Unzaga, on Odoardo's advice, renders final judgment. After reviewing the case His Lordship decrees he absolves and does absolve the negro Luis of the crime charged against him and orders him and the negress Manon, set at liberty, warning Luis that if within the eight first days he does not give an honest reputable resident who answers for his application in some employment he will be expelled from this Province to one of the penitentiaries of this Kingdom without other form of procedure than the mere information of in what appears his indolence. He condemns and does condemn him to pay the costs which must be taxed by the present escribano. For this His Lordship provides as a definitive judgment on the advice of his Assessor General, thus he ordered and signed, to which I attest. Signed: Luis de Unzaga y Amezaga. Before Andres Almonester y Roxas.

On a detached sheet of paper inserted in the folio is a taxation of costs dated February 10, 1774, for 33 pesos, 4 reales for the proceedings brought by Salomon Mallines and continued officially against the free negro, Luis, for the robbery of the said Mallines' store.

1773—March 9.

Marcos Olivares vs.

Silvestre Bidal.

No. 30. 5 pp.

Court of Governor Unzaga.

Assessor, Cecilio Odoardo.

Escribano, Andres Almonester.

To collect a bill.

estate for the extent of the debt, its one-tenth and costs, which he swears by God and a Sign of the Cross is due him. Unzaga, on Odoardo's advice, sends this to the interested parties. The record ends here.

Plaintiff presents his bill for merchandise, claiming 156 pesos, 4 reales. The defendant states under oath that he does not recognize the debt and will not pay it. He can show documents sufficient to prove this. March 12, Olivares states that though his opponent has denied the debt, notwithstanding this denial he prays for a writ of execution against his

1773—March 9.

Joseph Ducros vs.

Augustin de Macarty.

No. 19. 9 pp.

Court of Governor Unzaga.

Escribano, Andres Almon-
ester.

To enforce a sale for real
property.

Plaintiff presents a certified copy of a bond which Santiago Toutant Beauregard signs as security for Augustin Macarty, renouncing the Laws of "duobus rex estipulandi, y authentica presente codice de fede jutoribus," agreeing to pay one for the other on the last day of the present year the sum of 204 hard pesos to Joseph Ducros, Regidor Perpetuo and Depositario General. This amount is due for a lot and a half of ground in this city consisting of 90 feet front by 150 feet deep bought at public auction with all the solemnities of law. It was transferred to Macarty from Joseph Villars' property which was sold for the benefit of his creditors. On the strength of this bond Ducros asks for execution. March 11, Unzaga, on Odoardo's advice, orders the writ of execution issued against any and all of Augustin Macarty's property for the benefit of Claudio Joseph Villars' estate. March 22, the plaintiff says that to suspend this lawsuit, the defendant has sent three negroes. He therefore asks that the writ of seizure be withdrawn. On the 24th he says he has been paid and asks for a taxation of costs. The record ends here without the taxation.

March 11.

Juan Gabriel Fazende,

et als, vs. Isaac Monsanto
(Syndic for his creditors).

No. (torn away). 184 pp.

Court of Governor Unzaga.

Assesse, Cecilio Odoardo.

Escribano, Andres Almon-
ester.

Concursus of creditors seek-
ing to collect various debts.

Note—A record dated, 1785, April
15, is evidently a detached part of
this and is entered with it.—L.L.P.

The fly-leaf and first pages much torn, the entire document water-soaked, ragged and in very bad condition. It opens with a petition by Francoise Louise Darensbourg, Widow De la Grotte, claiming 26 livres on an original debt of 9240 livres due Charles Frederic Darensbourg. Jean B. Pomet for (amount torn away), Juan Gabriel Fazende 549 pesos, 7 reales. Pepin & Maurel or Manuel 50 livres, Charles Leconte 844 livres, Nicolet 211 livres. Andres Tete 6000 livres in notes of the Colony, acting for Claude

La Forest; the Adam minors, 40 piastres gourdes.

Gracioza (Grace) Angelica and Eleanor Monsanto claim an inheritance from their deceased father's estate consisting of 835 pesos and also merchandise delivered to their older brother to be sold for their account, making in all, 1,095 pesos, 6 reales, as appears from the note they present. Their brother

was obliged to leave the city by the laws of the Kingdom, thus leaving his affairs in a disorganized state which have today been turned over to his creditors. They ask to be numbered among them as privileged as what they claim they inherited from their mother and father and is in no way a part of their brother's estate. Luis Augustin, Count de Montault, officer in the Legion of Santo Domingo, in charge of his father's procuration, claims 309 livres, Jean Pierre a debt for 100 rolls of tobacco. Nicolas Forstall and Jean Joseph Duforest appointed syndics for the creditors of Isaac Monsanto.

This record follows the usual procedure of a "Concursus." On November 3, 1773, the two syndics set forth that they have received all the creditors' petitions, together with their original notes, bills and claims, also Mr. Monsanto's statement of his assets and liabilities; this they wish approved. Whatever property there was has been seized and is now in the hands of the General Receiver.

Further claims are entered under separate heads, Joseph Roselon (Roussellon) 150 pesos 3 reales. Bilan of Messrs. Britto & Monsanto dated New Orleans December 18 (1769) with a list of the passive and active debts. Juana Piquery also under a separate head claims 3651 livres for flour and 461 livres "Fornezas Tornesas" (Livres Tournois). Juan Baptiste La Coste 2619 livres, 18 sols, 6 deniers. Martin Navarro claims 850 livres, Raymundo Du Breuil 35 pesos. Sebastien Duplessy (is) claims 35 livres.

January 22, 1774, Joseph Ducros appears before the Escribano to declare that Nicolas Forstall, Alcalde Ordinario, and Juan Joseph Duforest, syndics for Isaac (Jacobo) Monsanto's creditors, have deposited with him in conformity to a decree of Unzaga's at the request of the creditors all papers contained and presented in this suit consisting of the following assets: Mrs. Dorgon's note for 111 livres, 5 sols; one of Mr. Populus' for 2033 livres, 13 sols, 9 deniers; the account and bill for Mrs. Boisclair for 5671 livres, Mr. Latil's note for 181 livres, Mr. Foucault's for 208 livres, 8 sols, 6 deniers; Mrs. Desilet's for 310 livres; Mr. Bernoudy's for 42 livres; Mr. Livaudais' account for 183 livres, 2 sols; Mr. Chapron's note for 420 livres, 4 sols, 6 deniers, Mr. Tonelier's note for 120 livres; Mr. Kernion's note for 75 livres, 12 sols; Mr. Doriocourt of Illinois' note for 107 livres, 10 sols; the notes of Franconne of Mobile and Luis Blanchard also of Mobile, the two together amounting to 119 livres; Mr. Lagautrais account for 50 livres; the accounts of Mr. Graciano of Mobile for 103 livres, 8 sols; the account of Mr. Briant 331 livres, 7 sols; Gregorio Marentes' account for 6275 livres, 1 sol; Mr. Loyer's for 26 livres. Entry B. 11,817 livres.

Ducros then takes note of the errors in this manner. In

Mr. Raguet's account there is an error in the place of 4000 livres, in Mr. Monsanto's private account it is 5725 livres, 15 sols, 3 deniers; in Mr. Petit's 3 notes there is an error of 100 livres against the general estate; in Mr. Noyan's account there is an error of 24 livres, 6 sols in the general standing of accounts. In Mr. Trante's account there is an error of 456 livres, 2 sols; in Mr. Pery's account there is an error to be verified with the general accounts. In Mrs. Ledoux' account and note there is an error to verify in the statement of the said accounts. In Mr. Sennot's there is an error to be verified; in Mr. Antonio San Martin's account there is an error to be verified; in entry "C" there is an error to be verified with the general accounting. Ducros further says all the papers are in his possession and he holds them at the disposition of the Court to be produced when called for.

January 24, the syndics for the creditors set forth that the papers they have delivered to Ducros are the same that were turned over to them by Monsanto before he left the country, and for this reason he has not been able to verify them.

Carlos Darensbourg and Luisa Darensbourg, widow, contest the statement of assets and liabilities drawn up by the syndics and claim the Carga to be.....10024 pesos 4 reales and the

Data " "..... 1772 " 6 "

8251 6 saving errors

and omissions which the syndics owe the creditors.

The syndics present a statement of accounts dated September 20, 1773, with the originals of several notes signed de Beaurepos Briant, Doriocourt, Montault, Jean B. Pomet, and reply to the contestation made by the Darensbourgs to the accounting drawn up by the syndics of the creditors. According to their reckoning the said accounts read:

Sum total of the Cargo.....3051 pesos 6 reales.

Data.....3051 " 6 "

Liquid Balance..0000 0

This accounting is disputed and another made with other bills, notes and claims, finally on March 26, 1776, Unzaga rules that Manuel Andres Lopez y Armesto tax the costs of the case which he does the day following. These amount to 103 pesos, 2¼ reales.

On June 1, 1776, Unzaga give the definitive judgment:

Whereas; His Lordship attentive to the nature of the cause and of the property which must be pro rated among Jacobo Monsanto's legitimate creditors. He must order and he does order that Francisco Braquier and Santiago Beau-regard intelligent persons and of the Commerce of the city

examine the notes presented and liquidate the accounts in conformity to the rules of commerce and in its consequence, let them be informed of what must be observed in like cases. Before (so doing) they must accept and take oath in due and proper form. (Signed) Unzaga.

Francisco Braquier and Santiago Beauregard each qualifies. The document practically ends here. There are two or three more pages that crumble away at a touch, they embody the proceeding by Juan B. Pomet for his original note which is returned to him.

1773—April 15.

Luisa Buasicler (Boisclair)
petitions for a copy of a
suit prosecuted by her
deceased father, Carlos
Darensbourg, against
Isaak Monsanto.

No. 44 from p. 185 to 244.

Court of Governor Miro.

Assessor, Juan Doroteo del
Postigo.

Escribano, Rafael Perdomo.

This is a continuation or revival of the suit entered April 11, 1773, Gabriel Fazende et als, vs, Isaac Monsanto, to collect various debts. It has become detached from the original which is in such a bad condition it is impossible to join them together again. This document though bearing as a first date the year 1785, was intended under the Spanish procedure, as a part of the action begun in 1773, and bears that

date in the margin and the pagination continues from the other record. The two seem to have been separated or perhaps were never actually put together, because this part of the record did not suffer the same vicissitudes of the other: This is in fairly good condition, while the main suit is so water-soaked and stuck together it crumbles at a touch.

April 15, 1785, Mrs. Boisclair asks for a copy of the proceedings brought by her late father against Isaac Monsanto to collect a debt. Acting Governor Miro orders this record delivered to her and thereupon she pleads that her late father was never paid, that there is some real property in this city belonging to the debtor which should be sold for the benefit of Monsanto's creditors, the amount obtained from the sale to be deposited with the Escribano and pro-rated among them.

Mrs. Boisclair's suit brings the other dormant creditors into action, and Luis Toutant Beauregard, Regidor Perpetuo, and Alcalde Mayor Provincial, resumes action, presenting the originals of his four notes, also asking to be paid out of the proceeds of such sale. Don Manuel and Don Jacobo Monsanto are ordered to verify the signature of their late brother, Isaac Monsanto, and both brothers recognize the name signed to the notes. Beauregard thereupon asks for the sale of the lot on the strength of the acknowledgment of the notes.

October 5, Arturo Strother puts in his claim for the said lot situated on (blank space) Street, between Mr. Juan B.

Carmouche and Mr. San Juan, upon which a brick house has been built, which he asks to have appraised by experts, naming for his part Adriano de la Place, and when done sell the land at public auction. October 7, Miro on Postigo's advice, rules that a valuation be made of Monsanto's lot by Andres Wackernie and Adriano Joseph de la Place, who must first qualify. After the appraisement is made, offer the said lot for sale. Both gentlemen qualify and proceed to their allotted task. This real property, situated on Chartres Street, contains 58 feet front by 120 deep, with a house built entirely of brick, all "bricks inverted" numbering about 140,000, and 360 barrels of lime, more or less. They estimated the lot and improvements at 3400 pesos. This appraisement they made faithfully and well according to their knowledge. They signed before the Escribano of the Cabildo. The three public calls for the sale are made October 8, 17 and 26.

February 9, 1786, Santiago Lagroue (de la Tournelle) of St. Charles of the German Coast (see above suit, Francoise Luise Darensbourg, Widow de la Groue, evidently the mother, is one of the plaintiffs) refers to a decree of Luis de Unzaga dated October 30, 1779, page 149 of the other document, by which he was declared a preferred creditor. He asserts his right to his share of the house and lot to be sold, claiming 480 piastres, with an additional 480 piastres due Mr. Darensbourg, making 960 piastres. Miro on Postigo's advice, rules: "In its time the right of this party will be borne in mind."

March 3, a new creditor in the person of Manuel (Isaias or Isaac) Fastio of Pointe Coupée, presents himself and a bill of accounts claiming 3330 pesos, 5½ reales; he also asks to be paid out of the proceeds of the sale.

March 4, the sale takes place and the real property is adjudicated to Francisco de Riaño for 2100 pesos under conditions stipulated in the offer of the sale.

December 11, Antonio Mendez, Attorney at the Cabildo, representing Isaac Monsanto's creditors in the "Concursus," sets forth that as all said claims have been filed he asks that the suit be concluded for the end of the year and costs taxed so as to pro-rate the amount resulting from the sale of the property. Petition granted and Luis Liotau, tax assessor, accepts and takes oath to tax the costs of the case, which he does on December 12, 1786, at 84 pesos, 4 reales.

February 7, 1787, Santiago Lagroue presents a declaration (a cession of rights to claim) written in French, which is ordered translated into Spanish, made at St. Charles of the German Coast, January 29, 1787, before Don Santiago Masicot, Commander there, to the effect that Santiago Lagroue de la Tournelle appeared before him and in the presence of Robert de La Villeneuve and Pedro Reine, witnesses, declared that all the heirs of the deceased Mr. Darensbourg, late Captain and

Chevalier of the Royal and Military Order of St. Louis, have by their mutual accord and consent given up in favor of Carlos Adriano and Santiago Lagroue, brothers, the claims that they hold against the deceased Mr. Monsanto's succession, without any of the undersigned heirs ever again being able to make reclamation. Signed in the original, Jacques Delagroue, Robert de la Villeneuve, Pierre Reine, Jacques Masicot, Darensbourg, approved. The Chevalier Darensbourg, approved. Widow De la Chaise, approved. Widow Boisclair, approved.

February 10, Santiago Lagroue, on the strength of the above, asks to be declared the sole claimant for the Darensbourg share in the pro-rating of the Monsanto funds. Petition granted. On March 23 he says that in the year just past, a house belonging to the late Mr. Monsanto was sold and adjudicated to Francisco Riaño for 2100 pesos. This sum was to be paid to his credit and that of the other claimants, to each one a balance in accordance with the pro-rating which could be effected from the funds. Francisco Riaño is absent from the city but has left as bondsman for this amount Luis Darvi Dalicán; he asks that the Escribano give a certified copy of this bond. Granted. The copy of the bond is dated March 15, 1786, according to which Luis Darvy agrees to act as security for Francisco Riaño for 2100 pesos, the purchase price of a house and lot on Chartres Street.

The foregoing bond having been presented on April 7, Antonio Mendez, Attorney for the creditors, sets forth that the date of payment for the Monsanto property has passed and Mr. Riaño has not yet effected a settlement; he prays that his bondsman, Luis Darvy be called upon to do so. Miro on Postigo's advice orders the bondsman to pay for his principal.

May 25, Francisco Riaño states that the year has passed since the property was adjudicated to him as highest bidder so he exhibits before the present escribano 1993 pesos, which remain after paying costs, of the 2100 pesos the price of adjudication. He asks that The Court order that the said sum being placed for certification and numeration (*Fe y Numeracion*) The Escribano will make a note cancelling the bond, which he has given for the security of this payment so that it can not at any other time be used against him for anything else.

May 26, Perdomo signs a receipt ("*fe y numeracion*") for 1993 pesos which have been paid to him by Francisco Riaño after all costs have been paid and which he holds at the disposition of the Court.

May 31, Miro on Postigo's advice cites the creditors of Isaias (Isaac) Monsanto who have dwindled down to four for the distribution of funds, which is made June 2nd, in this manner: what remains to be liquidated after all costs have

been paid is one thousand nine hundred and fifty-eight, with five (*con cinco*) which must be divided among the creditors as follows: To Don Manuel Fastio, eight hundred and forty-six, with four (*con quatro*), to Luis Toutan (*t* Beauregard) one hundred and seventy-nine, with six (*con seis*) to Doña Luisa Buakler (Boisclair) four hundred and seventy-eight with two (*con dos*); to Santiago Lagru (Lagroue) four hundred and fifty-four with one (*con uno*) apportioning to the last named the four hundred and seventy-eight, with two (*con dos*) which should be Luisa Boisclair's share, as appears from the instrument of cession abstracts. Let Attorney Mendez, representing the interests of Messrs. Lagru (Groue) and Fastio collect the shares belonging to his clients. Signed by Estevan Miro on the advice of his Auditor of War, Juan Doroteo del Postigo, of the Honorary Order of the Royal Audience of Guadalajara.

1773—March 17.

Luis Blondeau, a minor, petitions for a curator ad lites and for judicial emancipation.

No. 3810. 5 pp.

Court of Governor Unzaga. Assessor, Cecilio Odoardo. Escribano, Juan B. Garic.

Luis Blondeau sets forth that he is a minor less than 25 years old, who needs a curator ad lites to claim his legitimate share of his mother's portion and also his inheritance from his deceased brother, Maurice. To this effect he asks that Leonardo Mazange be named and that Unzaga give the order for the appointment of

curatorship. Unzaga rules that the proceedings for the settlement of the succession of Luisa Blondeau, his mother, have been concluded and a division made. Let him be notified of this state of the process and in the event he has a curator ad lites.

March 20, Luis Blondeau, legitimate son of Luisa Hery, says that his inheritance from his mother's succession is in the hands of the guardian of her estate. He has the good conduct and capacity required to govern and administer his own property though still under age. He asks that witnesses be called to give testimony as to his conduct and ability. Granted.

Charles Rimbault and Achille Courcelle (each in a separate declaration) state they have known Luis Blondeau for a long time and that his conduct has always been good and that he is thoroughly capable of administering his own estate.

April 1, on the strength of this testimony Unzaga on Odoardo's advice rules: that he must and ought to emancipate Luis Blondeau and in consequence he gives him the necessary power to administer his legitimate inheritance which comes to him in the division made of Luisa Hery's estate and the rest for any title or reason they can connect with it.

April 29, the plaintiff states Mr. Blache, his brother, is in possession of his deceased brother Maurice Blondeau's estate and for the interest he holds in that succession he asks that Blache be ordered to render an account within a short space of time. This is sent to the Assessor General. The record ends here.

1773—March 29.

**Luis Ranson, acting for
Jacques LeMoynes, vs.
The Noyan* estate.**

No. 21. 5 pp.

Court of Governor Unzaga.
Assessor, Cecilio Odoardo.
Escribano, Andres Almon-
ester.

To collect a debt.

(*Noyan, criminal of state.)

Plaintiff presents first a bill of lading by private signature (pacotille) loaded at La Rochelle by Messrs. Jacquelin et Guerin on the ship "The Esperience," Capt. J. B. Vasin, destined for Louisiana, dated July 11, 1763, consigned to Mr. de Noyan, Captain of Cavalry on half-pay, five bales marked as follows: an itemized statement of the freight amounting to 6412 livres, 10 sols, 3 deniers. The second exhibit is the procuration made in Paris by which Pierre Jacques Le Moynes, Esquire, Honorary Counsellor, Secretary of the King, Crown House of France and its finances, Director of the Company of the Indies, merchant of Rouen, living in Paris, No. 9, Rue des Petits Champs at the office of the Company of the Indies, Parish of St. Eustache. He constitutes as his general and special agent, Luis Ranson, merchant in the Province of Louisiana, to whom he gives the power, full and complete to demand from Mr. de Navarre (Martin Navarro) treasurer at New Orleans, for what is due the constituent by Mr. de Noyant (Noyon) Captain of Cavalry on half pay for all merchandise which is found inventoried in the bill of lading for 5752 livres, 18 sols, 3 deniers. (Note: The bill of lading calls for 6412 livres, 10 sols, 3 deniers, this difference is to be accounted in the reduction in the value of the money in the colony after 1763.—L. L. P.) On the strength of these two exhibits Luis Ranson asks that Martin Navarro be ordered to pay Mr. Le Moynes 5752 livres, 18 sols, 3 deniers, from the property in his care belonging to the Criminal of State Mr. de Noyan. This is sent to Martin Navarro in charge of the collections and disbursements of the property of the National Treasury, who on April 20, answers to the effect that some time back he wound up the affairs of the State Criminal, Juan Baptiste Noyant (Noyan) among the creditors who presented themselves in the time required. The petitioner may see how to apply where most suitable to him. (vea el suplicante como recurrir adonde mas le combenga, or let the petitioner see how to apply to where most convenient to him.) This is sent to the plaintiff and the record ends here.

1773—April 13.

Criminal Prosecution of a negro named Bambara for killing a negro named Augustin, both slaves of Antonio Thomassin.

This very interesting case has been made the subject of a special paper and will appear in a later number of the Quarterly.—
H. P. D.

No. 42. 67 pp. Court of Governor Unzaga. Assessor, Cecilio Odoardo. Escribano, Andres Almonester.

April 19.

Magdalena Vinzan (Vincent), widow of Santiago Courtableau vs. Bernardo Dauterive.

No. 28. 8 pp.

Court of Governor Unzaga. Assessor, Cecilio Odoardo. Escribano, Andres Almonester.

Magdalena Vinzan as guardian of her husband's estate, sets forth that there is in the defendant's possession a pair of draught oxen belonging to the property in her charge, marked with the brand of her plantation so that in case of straying from her fields they would be known as hers, where he has appropriated them. She has demanded them back many times but has been refused, Mr. Dauterive pretending that he has

To reclaim strayed cattle.

benefited by Governor General O'Reilly's order to kill all straying cattle and in this way she has lost much. She asks that a despatch be sent to the Commander at Opelousas, authorizing him to enforce the decree of the first of December of last year, compelling the defendant to make restitution of her property. On April 20, Unzaga on Odoardo's advice rules: Whereas; Let the Commander of Opelousas, Don Gabriel Fuselier (de la Claire) receive summary information of the existence of the pair of oxen on Bernardo Dauterive's plantation belonging to the widow of Santiago Courtableau and if the result will be certain put her in possession of them and if they should be hidden or in possession of some one else where the collection of them may not be easily accomplished, make restitution of their equivalent so that the widow may be entirely satisfied. Signed by Unzaga and Odoardo. A marginal note states that the despatch which was ordered has been issued. The record ends here without taxation of costs and is ended in Opelousas.

Filed at the beginning of the record is a slip of paper, dated December 1, supposedly 1773, signed Fuselier de la Clair to the effect that on the demands of the Widow Courtableau for Mr. Dauterive to return to her two draught oxen which she reclaims. He has furnished certificates and other necessary papers to establish the authenticity for the demands that he makes against the succession of the deceased Courtableau at Atakapas.

1773—April 23.

**Judith Chenal, widow of
Juan Baptista Grevembert,
complains that her cattle
have been killed in
Opelousas.**

No. 35. 10 pp.

Court of Governor Unzaga.
Assessor, Cecilio Odoardo.
Escribano, Andres Almon-
ester.

The plaintiff states that the residents of Opelousas have killed much of her live stock, thus causing considerable injury to her. She asks that a despatch be sent to the Commander there, Don Gabriel Fuselier de la Claire, to protect her against all the inhabitants and other persons and to order them not to kill any of her cattle on her dairy farm or other outbuildings on the land belonging to her. The inhabitants domesticate or tame her cattle and after they guard them then they appropriate them. She further prays that the Commander protect her from the above said and to prevent them from killing or collecting her cattle by domesticating them. Unzaga on Odoardo's advice rules: Whereas; Let the Commander of Opelousas, Don Fuse-
lier de la Claire be summarily informed of the actions which are referred to in the principal and secondary petitions of the foregoing written document and if the result is in conformity to the truth, let restitution be made of the live stock, which under pretext of straying has been found appropriated by any of the neighbors of his jurisdiction belonging to this party which will be easy to recognize by the mark of the farm. If it is true that in other times it has been permitted (to kill) live stock which was really straying which was given as a reason to serve as a public object, it is irrefutable the abuse can not be suffered to be introduced under color of this permission in the private farms and dairies, to destroy their cattle, the conservation of which is important to the common welfare. In the future take exact care that this party who claims, as well as the rest of the owners of dairy farms who must endeavor to domesticate their animals, marking them and to observe all the rest of the rules which economy demands for management of like property. The neighbors must cease at once the useless practice of driving home the animals of their vicinity which legitimately belong to known owners which must pass for systematic robbery capable of disturbing public peace and tranquility if it is not stopped with the brevity which His Lordship desires so as to put a limit to the disorder. Therefore, the said Commander is charged to act with vigilance upon this matter and let him order that those who fail in it the fore-mentioned Commander will inform this Tribunal with sufficient instructions to provide for its chastisement. To which effect let a despatch be issued with an enclosure of the plaintiff's petition and this decree and he will advise the present escribano of its result.

May 18, 1773, Fuselier de la Claire, Commander of Opelousas and Atakapas sends a report to the effect that before him and the undersigned witnesses appeared, Luis Grevemberg, in his capacity as administrator of the dairy farm and all the property belonging to his late father's estate, who declared that the accusation brought by the Widow Grevemberg against the inhabitants of his jurisdiction is dismissed and that he had discontinued all prosecution and proceedings in this suit, at the time of the decree on this subject by His Lordship, Monsieur the Governor General of this Province. Acknowledging the good faith of the widow Grevemberg, his mother, who was deceived by false reports and praying us to render an account to the Governor and to stop the course of the proceedings and inquiries, which have become useless and that there is not any reproach to make against the residents in regard to straying animals, which have been killed in virtue of ordinances for the public good. Luis Grevemberg has already said in his declaration that he discontinues all proceedings brought against the inhabitants of this jurisdiction, in the presence of Jean Bovard, Luis Armand Ducrett or Ducrest, Baptiste Labbe, Jean Baptiste Duneux, Jacques Sorel, witnesses required living at the said post of Atakapas, who signed the present declaration with the said Louis Grevemberg and the Commander of the district.

This is a true copy of the above which conforms to the original which remains in his Archives. (Signed) Fuselier de la Claire.

May 28, 1773, Unzaga rules: Let this be shown to Ana Judith Chenal. (Signed) Unzaga.

1773—April 27.

**Francisco de Boulogny,
Captain of Infantry vs.
Diago de Alba.**

So that he return to him 121 pesos, 2 reales, which were registered and shipped on the sloop under his command, called "Our Lady of Carmen," which made a voyage to Havana.

No. 8. 11 pp.

Court of Governor Unzaga.
Assessor, Cecilio Odoardo.
Escribano, Andres Almonester.

Plaintiff asks that the Escribano be ordered to give him a certified copy of the clearance papers (partida de registro) of the ship "Our Lady of Mount Carmel," in which it appears that he delivered 121 pesos, 2 reales, with the beginning and ending of the said registry of clearance.

Andres Almonester gives the copy as requested. The head or beginning is to the effect that in the city of New Orleans on the 23rd of October of 1772, before me, the Escribano and witnesses, Don Diego de Alba, Captain and Master of the sloop called "Our Lady of Carmen" with whom I certified I am acquainted, and

"Our Lady of Carmen" with whom I certified I am acquainted, and

he set down as his cargo for the city of Havana, which he registers that he has received in this city to be delivered in that (Havana) to wit; Entry: Don Francisco Bouligny registered on the fifteenth of the same (month), one hundred and twenty-one pesos, two reales, in hard silver, proceeds from the settlement of the succession of the deceased Commissioner Don Juan Joseph de Loyola for the account and risk of Don Francisco Potau to be delivered to Don Thomas de Jauregui.——

The end (pie) And the said Captain and Master obligates himself that if he arrives safely with his sloop at Havana to deliver the enclosed of this registry in the manner referred to each one in its stipulated entry, in virtue of the foregoing decree which was delivered in the principal treasury of the army for comparison and signed. The witnesses being Pedro Cowley, Francisco Broutin, and Estevan de Quiñones here present. Diego de Alba. Before me Andres Almonester, Chief Notary for Registrations.

Concurring with its original which now remains in my possession and to which I refers and in virtue of the order in the foregoing decree, I gives the present in the city of New Orleans on April, the twenty-ninth of one thousand seven hundred and seventy-three.

In testimony of the truth.

(Signed) Andres Almonester.

y Roxas Chief Notary for Registration.

April 30, Francisco Bouligny sets forth that as it appears from the registry of the consignment (of cargo) on board the sloop "Our Lady of Carmen" he delivered to Diago de Alva a certain sum of money to be transmitted to Havana and as its discharge has not been accomplished he prays that the money be ordered returned to him. Unzaga on Odoardo's advice rules: Whereas; Let Francisco Bouligny be notified to remodel his cause, which he is prosecuting against Diago de Alva and direct his action against the one to whom it belongs by right. Assessor's fees 10 reales. (Signed) Unzaga. Doctor Odoardo.

May 6, the plaintiff states that because of the insolvency of the defendant it is known that the registered money he sent has served for the urgencies and conservation of the sloop. He prays that the said boat be sold and the product be delivered to him in place of his money. This is ordered sent to the Contador, who answers on May 7. The Contador, or Cashier of the Royal Treasury in the incident promoted by Captain Don Francisco Bouligny for the collection of one hundred and twenty-one pesos, two reales, which under registered consignment shipped on the sloop called "Our Lady of Carmen" her Captain and Master, Don Diego de Alba, in virtue of what has been given he says: That the sloop holds nothing in com-

mon with the sum which is demanded and it seems to him that the said Bouligny should direct his action against the Captain's bondsman to whom they confided for what conclusion it may please Your Lordship to order. Signed Antonio Joseph de Aguiar. This is sent to Bouligny.

July 23, the plaintiff says the defendant is insolvent with all his property confiscated and that he must have a bondsman. He prays that the escribano give him a certified copy of the said bond, to be used when convenient to his right. Unzaga on Odoardo's advice rules: As it is prayed.

The certified copy of the bond, dated October 8, 1772, wherein Marcos Solibares (Olivares) agrees to act as bondsman for Diago de Alba, Master of the sloop "Our Lady of Carmen" for the registered cargo carried on the voyage to Havana. The record ends here.

1773—April 28.

Santiago Enoul Livaudais petitions to emancipate his minor sons, Balthazard and Joseph.

No. 31. 7 pp.

Court of Governor Unzaga. Assessor, Cecilio Odoardo. Escribano, Andres Almonester.

Exhibit 1. The baptismal certificate dated April 22, 1754, of Joseph, son of Jacque Enoul de Livaudais and Marie Genevieve Babin. The god-parents were Joseph La Molere Dorville, Esq., Captain of Infantry, and Miss Marie Antoinette de Livaudais. Signed: Father Jean Francois, Capuchin; La Molere Dorville, Marie Livaudais, Livaudais, Sr.,

Widow Cariere Fontenette.

Exhibit 2. The baptismal certificate dated the 25th of (name of month torn away) of 1757 of Baltazar, son of Jacque Enoul de Livaudais, Captain of Port in this city, and Marie Genevieve Babin. The god-parents were, Francois Enoul de Livaudais, Officer of Infantry and brother of the baptized, and Miss Marie de Mazan. Signed Fr. Sebastien, Enoul de Livaudais, Cavalier of the Royal Order of St. Louis, presents the two above said baptismal certificates and sets forth that as these will show his two sons are under twenty-five years of age. For some time past, in order to try out their conduct in a business way he has entrusted to them many transactions and in every case they have given satisfaction to all persons with whom they have come in contact, and have proven themselves capable of managing their own affairs. From now and henceforth, he removes and relinquishes the authority and power of the father (Patria Potestad) which he has held over them and asks for their emancipation with all the formalities of law. He prays that witnesses be called to give the necessary information, and if this be in conformity

to what he has said, let his two sons be emancipated, the Court interposing for this its authority and judicial decree. Granted.

The witnesses, Pierre Henry Derneville, Alexandre de Clouet, Pierre Francois Santilly, each in a separate declaration states that he has known Joseph and Balthazar de Livaudais and have seen them trade and bargain, using always towards the persons with whom they are dealing, punctuality and excellence, securing their own proper interests with the best conduct. By these actions they are held as honest men showing themselves able and capable to administer and conserve their own property.

On the strength of this testimony on April 29, 1773, Unzaga on Odoardo's advice rules: Whereas; In the instance made by Don Diego Livaudais in order that the renunciation, which he has made of the Patria Podesta be admitted which he enjoys over his two sons, less than twenty-five years and more than fourteen, the one Don Balthazar, the other Don Joseph. With regard to the conduct of these (young men) explained and made evident in the foregoing testimony, his Lordship said: That he must and should give as emancipated and permit them to use the faculties, which by law are conceded to them as those who are (of age) and for its greater validation and stability he interposes and does interpose his authority and judicial decree as was petitioned and ordered that the plaintiff be given the certified copy or copies which have been requested in these proceedings. Assessor's fees 10 reales.

(Signed) Unzaga.

(Signed) Doctor Odoardo.

There is no taxation of costs.

1773—May 6.

Petition for a copy of Diego or Santiago Libode's (Livaudais) will.

No. 9. 32 pp.

Court of Governor Unzaga.

No Assessor.

Escribano, Andres Almonester.

Francisco de Villiers, Chevalier of the Royal Order of Saint Louis, states that Diego de Livaudais has died, leaving a will drawn up by the present Escribano, naming him as testamentary executor. To comply with this charge it is necessary for him to have a certified copy of this said will which he prays will be ordered delivered to

him. Unzaga orders the copy issued to the petitioner.

The will is dated in New Orleans, April 29, 1773. The appearer is Diego Enoul de Livaudais, Chevalier of the Royal Order of St. Louis, native of Saint Malo, in the Province of Bretaña (Brittany), legitimate son of Sandiego de Livaudais, Chevalier of the Royal Order of Saint Louis and Captain of the Navy in the services of the King, and Maria Zeloza, both deceased.

The testator says he has been married for forty years to Maria Geneveba Babein, and is survived by her and their nine children, born of their marriage. 1st. Santiago married to Carlota Dezilet, 2nd. Maria Geneveba, first married to Mr. Fontenet, and now the wife of Francisco de Villiers, Chevalier of the Royal Order of St. Louis. 3rd. Francisco, aged 22, unmarried. 4th. Maria Antonia, married to Antonio Carbonet. 5th. Juan married to Juana Dorneville (Derneville). 6th. Juana Francisca, aged 26, unmarried. 7th. Maria Ulalia (Eulalia) married to Pedro Saintpee. 8th. Joseph, aged 19, unmarried. 9th. Balthazar Livaudais, unmarried.

An appraisement has already been made of the estate by Pedro Derneville and Alexandro de Clouet, which is incorporated into the will, consisting of real property, slaves, house furnishings, tools and implements, live stock etc., amounting in all to 92171 livres, 15 sols.

He states that when his children married, they were given various amounts in the form of slaves, agreed upon between his wife and himself. Santiago having received slaves and 3 arpents of land at the German Coast to the value of 2900 livres, the others were given 1500 livres each, except Juan, who received 1000 livres. These amounts must be deducted from their shares. These previous gifts to his children amount to 9900 livres.

In the partition of his estate, it is his wish that his wife receive 15800 livres, which was her dowry, and besides 43135 livres, 16 sols, 6 deniers, as her share of the community interests, which is the one-half of 86261 livres, 15 sols. The other one-half to be divided among his children. Before pro-rating his liquid estate his funeral expenses must be paid. He names as his universal heirs, his wife and nine children. Juana Francisca, aged 26, is deaf and dumb, and as such is incapable of making her will or naming her curator. For the preservation of her person and property, he appoints as her curator *ad bono*, whom he relieves of giving bond, her mother. Should she marry and have children, they will be her universal heirs, and if she dies without issue, her mother becomes her heir, but should her mother pre-decease her, her brothers and sisters become her sole and universal heirs for equal parts and should any of these pre-decease her, then his heirs shall inherit for the part which belongs to Juana Francisca. The shares which belong to Joseph and Balthazar, will be put out at interest for them, in conformity to law, with persons who will give full and sufficient security under the supervision of the curators, naming his wife for this office. He asks that his will be carried out and the partition made of his property, be done amicably and without wrangling in the Courts. ("*Estrepito de Juicio*"). He names his wife guardian of his estate and as testamentary

executors, his wife and his son-in-law, Francisco de Villiers. The witnesses signing are Pedro Henry Derneville, Alexandro de Clouet, Pedro Francisco Santilly, Lorenzo Wiltz, Pedro Deverges, Reynaldo Brion, before Andres Almonester. A note states that the testator died May 6, 1773.

This is a most unusual proceeding, wherein the testator makes his will, an appraisement and partition of his property, thereby settling the whole affair outside of Court, avoiding costs other than for the certified copy of the will.—L. L. P.

1773—May 8.

Andres Jung vs.

Diego de Alba.

Court of Governor Unzaga. Assessor, Cecilio Odoardo. Escribano, Andres Almonester.

To collect a note.

Plaintiff claims 237 pesos for repairing defendant's sloop called "Our Lady of Mount Carmel," and asks that the said sloop be delivered to him to use for the protection of his rights. Unzaga orders this sent to Antonio Joseph de Aguiar, principal accountant of the Army, acting as Fiscal of the Royal Treasury. In answer

to the foregoing on May 9, de Aguiar states that it is difficult to believe that Jung could be so liberal with Diago de Alba. Heeding the bad conduct of the defendant it is to be presumed that the two have colluded between them to acquire the sloop by means of their own debts. The Contador (de Aguiar) suspects that the price of the said sloop is simulated, and as the exchequer is a creditor, he prays that Unzaga pay no attention to this demand.

June 3, Andres Jung answers the Contador, saying that he is not informed of the good or bad conduct of de Alba, but that he himself is rated as an honest man here in the colony, and de Aguiar does him no favor by thinking that he acted in collusion with the defendant. He asks that he be called upon to swear and declare that the debt is just. This is ordered done and on June 14, before Andres Almonester, Diego de Alba says the signature to the note in his and that he owes the debt. The record ends here.

1773—May 10.

An incident in the suit.

"His Creditors" vs.

Claudio Joseph Villars.

No. 41, from p 857 to p 951.

Court of Governor Unzaga.

Assessor, Cecilio Odoardo.

Escribano, Andres Almonester.

This is a continuation of suit, see *Louisiana Historical Quarterly*, Vol. 8, No. 4, p. 713.

It is a concursus of the creditors of Villars who was banished by O'Reilly. It is valuable historically for this reason and because it illustrates the Spanish procedure on appeals to Havana.

Bertaud, Father Dagobert, Felicite Amelot. These creditors were finally located and cited.

The final sentence is passed May 26, 1773, signed by Luis de Unzaga y Amezaga, on the advice of Cecilio Odoardo, in the presence of Luis Andry, Juan Antonio Gayarre, Don Esteban de Quiñones, and is to the effect that the writ of execution issued in the other record against Joseph Villars' property and the revenue from it must be divided as follows: 30 pesos a year belongs to Andres Bertaud for life, according to the conditions of the sale on page 128 of the record which is one-half of the 60 pesos annuity left him by clause 9 of the will of the deceased Claudio (Joseph) Villars (Du Breuil), which must be deducted from the amount produced by the sale. 2000 must be paid to Carlos Juan Baptiste Fleuriau, and 2000 to Juan Baptiste (? Luis) Trudeau, for the claims of their wives, Juana, Catalina, and Juana Felicitas, heirs of their grandfather, Claudio Villars, according to clause 8, of his will; 150 pesos to the said Bertaud, from the current revenue, 50 pesos to Catalina Lalande as heir to Dame Millon. Then there must be paid to Joseph Villars, 1975 pesos, 1 real, the one-third part of the patrimonial property of his mother, Laboulaya, (first name not given). Further there must be paid to Francisco Petit, widow of Pedro Geraldo de Villemont, as guardian of his estate, 5600 pesos, then to Francisco Bouligny, for his wife's claim, (Marie Louise Dauberville), 6494 pesos, one-half real. To Hipolito Amelot, 1400 pesos, to Captain Don Francisco Simar (Seimars) de Belisle for Luis Mallet's claim 166 pesos, 3 reales, to Bartholomy Macarty for Rene Hugon's claim, 920 pesos, to Esteban Bore 15000 pesos, and lastly to the syndic,

The record opens with Unzaga's ruling on Odoardo's advice, citing the parties for the definitive sentence. Almonester certifies that he notified Leonardo Mazange, representing Dona Francisco Petit de Coulange and Don Francisco Bouligny, also Don Francisco Broutin in the interest of Catherine Bonet, Santiago Pasquet, Dona Francisca Macarty, Juan Drouet Don Rene Hugon, Luis Liotaud in the interest of Catherine Lalande, Davis Mallet. Those he was unable to notify owing to absence are Henrique Desprez, Esteban Bore, Carlos Fleuriau, Juan Trudeau, Joseph Villars, Juan Pigurey, Andres

administrator of the property, Don Antonio Maxent, 1520 pesos, the full amount of the three notes. From all the foregoing amounts, except Joseph Villars', there must be deducted the two-fifths which the King of France ordered that the notes and money of the colony must lose.

Unzaga denies the claims of Guillermo Roussillon, Catharina Bonet, Juana Piquery, Henrique 'de Some, Remigio; Dona Francisca Macarty, Father Dagobert and Mr. Juan Drouet, these are condemned to pay the costs they have caused, and for the remainder of the costs, these will be taken from the mass of the property of the debtor, and when the deduction is made the execution of this decree is entrusted to Juan Prieto, and the taxation of the costs to the Escribano, which does not include in it what other rights by the public ministry and let him choose and exclude from it the notifications which have been amended or duplicated and that have not been made by the attorneys of the parties. This is the judgment definitively pronounced by the Governor, on the advice of his Assessor.

May 28, Maria Joseph Hugon and Francisco Broutin, acting for Francisca de Macarty, ask for a taxation of costs, and as his client has been condemned to pay costs, he asks to be permitted to tax his argument of the case (*Alegar de bien provado*) on page 773, containing 19 sheets of paper, separately, as it was very laborious and necessitated much work. Unzaga orders this document regulated by the Assessor. Taxation of costs made the same day. The mass of the estate must pay 1944 pesos, 6 reales, 7 maravedi, Guillermo Roussillon 18 pesos, 3 reales, Catharina Bonnet, 17 pesos, 3 reales, Juana Piquery, 6 pesos, 4 reales, Henrique Somme, 3 pesos, 1 real, Santiago Pasquet, 18 pesos, 7 reales, Francisca Macarty, 81 pesos, Father Dagobert, 10 pesos, 7 reales, Juan Drouet, 18 pesos, 6 reales.

On the same day Joseph Villars, Captain in the Royal Body of Artillery, in his own name and representing his sisters, Catalina Villars Fleuriau and Feliciana Villars Trudeau, in the suit prosecuted by the Concursus of creditors of their father, Claudio Joseph Villars, complains that in the seizure of his father's property they have by an oversight involuntarily included the dowry of their mother, Catalina Laboulaye. This is contrary to law at the time of the revolution in this colony. His excellency Señor Don Alexandro O'Reilly has respected these same laws, and has conceded the dowries to the wives and children of the Criminals of State. He prays that 2000 pesos he claims be obtained by pro-rating from each of the creditors. The part which each one will be called to give is so small and none of them could wish to hold the legitimate inheritance of a minor and of orphans. This petition is denied and ordered remodeled.

May 29, Carlos Juan Baptista Fleuriau, Regidor Perpetuo, and Alguazil, Mayor of this city, Jean Luis Trudeau and Joseph Villars, complain of the grave injustice done to their interests in their father's estate, and petition to appeal the case to the Superior Court of Appeals in Havana. This is ordered sent to the other parties.

June 2, Jacobo Dubreuil, Lieutenant of the Battalion of Louisiana, Raymundo Dubreuil, Second Flag Lieutenant of the same Battalion, in their own names and that of Luis Villars Dubreuil, Lieutenant in the abovesaid Battalion, now stationed in Illinois, Don Alexandro Dubreuil, retired officer, now absent, protest against the sentence and ask to appeal the case to Havana. They have already entered suit for 1 arpent of land, containing a Canal which was included in the sale of a plantation, made by the said Villars to Francisco Bouligny. They also presented two instruments which make it clear that the arpent and Canal belong to them. This petition is ordered remodeled.

June 3, Francisco Bouligny, acting for his wife and mother-in-law, opposes the plea for an appeal to Havana. June 4, Andres Bertaud also opposes the appeal, and on the same day Father Dagobert petitions to appeal, complaining that the sentence is gravely unjust which was passed by Governor Unzaga for the payment of Claudio Joseph Villars, creditors. This is ordered sent to the other interested parties. (Father Dagobert never withdraws his demand to appeal.) June 15, Esteban Bore opposes the plea for an appeal brought by the heirs and Father Dagobert. July 1, Felicite Dubreuil, wife of Hipolito Amelot, prays to exclude the movement to appeal. July 12, Maria Joseph Hugon opposes the appeal.

July 6, Joseph Villars, Captain of the Royal Body of Artillery, sets forth that in the sentence definitively pronounced on May 26, just passed, he was to receive 1957 pesos, 1 real, as a third part of his mother's (Catalina Laboulaye) patrimonial property. He has orders from his Command to go to Santo Domingo, he asks that the present Escribano or the Depositary General, Joseph Ducros, pay him the 1957 pesos, 1 real. Petition granted, but he must give Bond according to the Law of Toledo.* Joseph Villars gives as his bondsmen, his two brothers-in-law, Carlos Fleuriau and Luis Trudeau. The Bond according to the Laws of Toledo, is dated July 17, and is signed by Peter Ignacio Cowley, and not by the two brothers-in-law. Joseph Villars signs a receipt for his share of the inheritance which is turned over to him.

The outside creditors so violently oppose the plea for an appeal made by the direct heirs and Father Dagobert that on

*i. e. A forthcoming bond to return the amount should the judgment be reversed.—H. P. D.

July 30, Jean Louis Trudeau, a son-in-law, says he withdraws his plea for an appeal entirely. On August 11, Carlos Juan B. Fleuriau does likewise, Andres Bertaud calling Joseph Villars, his brother-in-law, agrees to withdraw his appeal and abide by the conditions of the sentence definitively pronounced.

September 6, Unzaga on Odoardo's advice pronounces a second sentence to this effect considering the incident promoted by Alexandro, Raimundo, Jacobo and Luis Dubreuil, over an arpent of land which was sent to the heirs and creditors, that he has also considered the petition for an appeal made against his definitive sentence made by Father Dagobert. He orders a certified copy of this suit drawn up so that the original may be sent to the Superior Tribunal of appeals in Havana within three months, which will begin to be counted from the first day a vessel leaves this Port for Havana. In the meantime each creditor and heir must give bond according to the Law of Toledo, so that each one may be paid his respective dues, as was mentioned in the definitive sentence, deducting two-fifths from each one's share. The present escribano, in the absence of Juan Prieto to whom has been entrusted the taxation of these last costs: Let each pay for his own and those in common to be paid by all, with a reservation with what will be decided by the Superior Tribunal of Appeals. According to the new taxation, Joseph Villars must pay 13 pesos, 3 reales, $11\frac{1}{3}$ maravedi, Francisco Bouligny, 17 pesos, 5 reales, $11\frac{1}{3}$ maravedi, Juan B. Fleuriau, 9 pesos, 3 reales, $11\frac{1}{3}$ maravedi, Juan Trudeau, 8 pesos, 2 reales, $11\frac{1}{3}$ maravedi, the Dubreuil Brothers, 4 pesos, 1 real, $11\frac{1}{3}$ maravedi, Andres Bertaud, 5 pesos, 6 reales, $11\frac{1}{3}$ maravedi, Father Dagobert, 6 pesos, $11\frac{1}{3}$ maravedi, Esteban Bore, 27 pesos, $11\frac{1}{3}$ maravedi, Felicidad Amelot, 6 pesos, 2 reales, $11\frac{1}{3}$ maravedi, Joseph Hugon, 9 pesos, 7 reales, $11\frac{1}{3}$ maravedi, Mrs. de Villemont, 6 pesos, 3 reales, $11\frac{1}{3}$ maravedi, Luis Mallet, 5 pesos, 6 reales, $11\frac{1}{3}$ maravedi.

The liquidation is made as follows: The Joseph Villars' estate amounts to 20080 pesos, from which must be deducted 1944 pesos, 6 reales, 7 maravedi, which leaves to be divided 18135 pesos, 1 real, 27 maravedi. Juan B. Fleuriau who should receive 1200 pesos, gets instead 1190 pesos, 4 reales, $22\frac{2}{3}$ maravedi, Juan Trudeau, in place of 1200 pesos, receives 1191 pesos, 5 reales, $22\frac{2}{3}$ maravedi. Andres Bertaud for 90 pesos, gets 84 pesos, 1 real, $22\frac{2}{3}$ maravedi, Catalina Lalande for 50 pesos, receives 30 pesos, Joseph Villars for 1957 pesos, 1 real, gets 1943 pesos, 5 reales, $22\frac{2}{3}$ maravedi, Francisca Petit de Coulange, widow of Juan Pedro Roberto Gerardo de Villemont for 5600 pesos, receives 3353 pesos, 4 reales, $22\frac{2}{3}$ maravedi, Francisco Bouligny, for his wife, Maria Luisa Dau-berville, for 6494 pesos, 17 maravedi, receives 3846 pesos, 1

real, $5\frac{2}{3}$ maravedi, Felicite Dubreuil for 1400 pesos, receives 833 pesos, 5 reales, $22\frac{2}{3}$ maravedi, Francisco Seimars de Belisle for Luis Mallet, in place of 166 pesos, 3 reales, receives 94 pesos, 9 maravedi, Bartholomy Macarty in place of 920 pesos, receives 542 pesos, $22\frac{2}{3}$ maravedi, Esteban Bore for 15000, receives 4882 pesos, 6 reales, 12 maravedi. This settlement is made September 11, 1773.

On the same day Francisco Doriocourt signs Esteban Bore's bond, according to the law of Toledo, whereupon Jean Etienne Bore signs a receipt for his share, which is turned over to him by the General Receiver, Joseph Ducros. September 13, Santiago Toutant Beauregard, because of the appeal made by Father Dagobert under the bond of the Law of Toledo, signs the necessary bond for Felicidad Dubreuil Amelot, who in turn signs her receipt for her pro rata. On the 14th Mauricio Leveque signs Andres Bertaud's bond, who is unable to sign his receipt, as he does not know how to write. His mark is witnessed by Miguel Saint Eloy, Nicolas Fromentin and Esteban de Quiñones. September 15, Francisco Broutin signs Catherina Lalande's, who signs the receipt "Widow de Lalande de Ferrieres (Ferrier)", September 16, Francisco Seimars Bellile signs a bond for Luis Mallet, and as his representative, signs the receipt also. On the 17th, Juan Surairay La Rue signs a bond for Francisca Petit de Coulange, widow of Pedro de Villemont, who signs her receipt September 18, Francisca Petit de Coulange, widow of Pedro de Villemont, signs a bond for her son-in-law, Francisco Bouligny, who signs his receipt. September 20, Santiago Beauregard signs Luis Trudeau's bond, who in turn gives his receipt. September 22, Pedro Delille Dupard signs Juan Baptista Fleuriau's bond, who signs a receipt for his share.

November 25, Felicite Amelot, represented by her husband, sets forth that the arpent of land which was bought in recompense for the canal, which belongs to Raimundo Dubreuil and his brothers, on the plantation sold to Francisco Bouligny, is not entirely paid for, still lacking 100 pesos. The Dubreuil brothers trouble them continually, asking each one of the creditors for this amount, and as neither she nor they should pay it, but as Don Esteban Bore alone was to receive the liquid mass after everything was paid, she asks that he be ordered to pay this 100 pesos, that the Villars' estate owes the Dubreuil brothers, for the one arpent of land bought in compensation for a canal situated on the plantation, sold by Villars to Francisco Bouligny for his wife. Unzaga, on Odoardo's advice orders Esteban Bore to pay the Dubreuil brothers 100 pesos within 5 days, which they claim from the Villars estate.

November 26, Mrs. Amelot states that Bore has not obeyed the Court's decree, and as he makes his home on the plantation,

she prays for a writ of citation. Petition granted. Writ issued. Esteban Joseph de Quiñones certifies that he delivered a copy of the Court's order in person to Esteban Bore. The record ends here.

Note: This suit was evidently never appealed to Havana, though the document does not say so. Had it been appealed, the copy remaining in our Spanish Archives would be a certified one and not the original, as it is. Whenever an appeal was made, the original was always sent to Cuba, and a copy retained in New Orleans. If Father Dagobert had only answered as the heirs did, withdrawing the appeal, it would have saved a great deal of trouble and expense, arranging for the "Bond, according to the Law of Toledo." It is to be supposed that Father Dagobert eventually recalled his demand for an appeal, but there is nothing in the record to warrant this supposition.—L. L. P.*

1773—May 15.

**Louis Decallongne vs.
Andres Reynaud.**

No. 22. 12 pp.

Court of Governor Unzaga.
Assessor, Cecilio Odoardo.
Escribano, Andres Almonester.

Defendant seeks to escape debt by pleading want of amicable demand. Also pleads in compensation another debt.

Plaintiff claims 21 pesos, 6½ reales in hard silver for vegetables and milk delivered daily at his house. He asks to have the debt verified. The defendant is absent from the city thus requiring a writ of citation. May 22, Juan Andres Reynaud under oath declares that he owes the sum stipulated in the notes and just as soon as he sees them he will promptly acknowledge his obligation. With this declaration Reynaud presents a petition to the effect that it is true that he

owes the money but the plaintiff has never asked him for it, nor has he presented the notes, nor exhibited (the originals), for the amount that he claims in the hands of the Escribano. When these have been delivered to the said official, and he has seen them, he will deposit the money with Almonester. He asks that the plaintiff be condemned to pay costs, as he has never asked for his money, nor presented the originals. Unzaga, on Odoardo's advice, orders this sent to Decallongue, who answers, on May 28, that the reason he has not presented the originals is because they consist of many little papers, ("Bons" or milk, bread, tickets, etc.), that can not be bound or sewed with the suit, nevertheless he has presented them with the necessary formality, and asks that the defendant verify

*But we would not then have had this fine illustration of the practice on appeal. It appears from this that the appellant gave no bond but the appellees executed this judgment pending the appeal by furnishing a forthcoming bond.—H. P. D.

them, and that the full amount that he deposits with the Escribano be delivered to him, and that he be condemned to pay costs, as the defendant is the debtor. Thereupon Reynaud acknowledges the debt, but puts in a claim stipulating that about three months before he sued the plaintiff for 800 pesos, and for which he signed an obligation to pay at harvest time. He then asked for these notes so that he could deduct from this amount. He does not see why he should pay a lesser sum when a greater has been due him for 6 months. He again asks that de Callongne be condemned to pay costs.

June 4, The plaintiff denies owing any debt to Reynaud, and asks that he be ordered to pay for his daily supply of vegetables and milk, and also costs. Unzaga, on Odoardo's advice, orders the 21 pesos, 7 reales, which Reynaud deposited with the Escribano, be paid to de Callongne, and that a taxation of costs be made and paid by Reynaud, de Callongne signs a receipt for the money and Reynaud for the original notes which are returned to him. Costs taxed at 19 pesos, 2 reales, June 7, 1773.

Note: The costs of the Court, in this instance, are almost equal to the debt, owing to the extra expenses, incurred by the defendant in his attempt to avoid payment of a just debt. As the two amounts have to be paid by him, he would have done better by paying for his vegetables and milk when the bill was due, rather than have the amount collected from him by process of law.—L. L. P.

1773—May 17.

Santiago Jacqueline vs.

Nicolas Daunoy.

No. 1. 46 pp.

Court of Governor Unzaga.

Assessor, Cecilio Odoardo.

Escribano, Andres Almonester.

A trial in the Governor's Court.

a writ of citation. Granted. May 26, Nicolas Daunoy, under oath states that the signature is his, but does not owe the amount, as he was acting and signing for his mother, Catharina Daunoy.

December 16, Santiago Jacquelin asks for a writ of execution, since Daunoy has acknowledged his signature. Unzaga, on Odoardo's advice, orders the writ issued. December 20, Nicolas Fromentin, deputy sheriff, reports to Andres Almonester, that in fulfillment of the writ of execution, he went

Jean Lafitte, Jr., acting for Santiago Jacqueline, presents the original of a bill and the procurator empowering him to represent the plaintiff, claiming that Nicolas Daunoy owes his client 288 pesos, 4 reales, at the date of maturity which he has been unable to collect. He prays that the defendant be ordered to pay this bill and as he does not live in the city, he also asks for a

to Nicolas Daunoy's house and asked him if he would give and pay to Santiago Jacquelin the amount demanded. He did not pay, neither did he point out any property to be seized. As there was nothing to distrain, he left the execution open, to be carried into effect at any time that it is ordered. He signed in the presence of the following witnesses, Miguel Saint Eloy, Salomon Mallines, Esteban de Quiñones. (Signed) Nicolas Fromentin and Andres Almonester.

January 10, 1774, Nicolas Daunoy answers the suit by presenting a certified copy of the Notarial Act, by which he appoints Francisco Broutin to defend him in the suit brought by Jacquelin and sets forth that action has been brought to collect a debt and in due course a writ of execution has been issued against him. He owes nothing and opposes the seizure. He asks to have himself declared an opponent, and to deliver to him the records of the case. Granted. On January 11, he presents his baptismal certificate to prove that he was a minor at the time he signed for a bill of goods for his mother. According to this certificate, on May 6, 1747, Father Dagobert baptized the legitimate son of Favre or Fauvre Gui Charles Daunoy and of Catherine Hubert Belaire. The god-parents were Nicolas Chauvin de la Freniere, Counsellor of the Superior Council, and Marguerite Hubert Belaire, a maternal aunt. On the 13th, he presents his marriage certificate to the effect that in 1770, on January 2, Nicolas Fauvre Daunoy, legitimate son of Charles Guy Fauvre Daunoy and Catherine Hubert Belaire, contracted marriage with Francoise de Macarty, legitimate daughter of Bartholomy de Macarty and Helene Francoise Pellerin. The register is signed by Father Dagobert, Nicolas Daunoy, Francoise Brigitte de Macarty, Ruelin de Membrettes, Hubert Belaire, Le Chevalier de Macarty, Hubert Daunoy, Fauvre Daunoy, La Jonchere Daunoy, Le Bretton, Daunoy de Loppinot, Macarty, Jr., Chauvin Desillet, Picalrel Mallet.

January 17, he presents an interrogatorio upon which he would have witnesses questioned:

- 1st. Q. Is it not true that in the years 1767, 68, and 69, before he was married he had nothing in his possession belonging to him.
 - A. Guillermo Boisseau, Jean B. Desillet, Santiago Toutant Beauregard, and Charles de la Chaise all answer that it is true that until the time of his marriage Nicolas Daunoy had no property of his own.
- 2nd. Q. Is it not true that during this time all his business transactions were for the account of Catalina Daunoy, his mother?
 - A. All four witnesses say that the question is true in its entire contents.

3rd. Q. Is it not true that he signed all the accounts of the merchants for his mother's account and that he was then authorized to buy for her whatever she needed?

A. All answer that it is true and that on various occasions they have seen him sign for his mother.

4th. Q. Is it not true that he never has had the management of his mother's property in his power?

A. All answer it is true that he never was entrusted with the management of his mother's property.

January 14, Nicolas Daunoy asks for a certified copy of the interrogatorio presented against Catalina Daunoy, his mother, a petition, and his mother's declaration on pages 37, 38, and 39, in the suit which Jacquelin prosecuted against Luis Boitard, upon this same obligation, which he now asks Daunoy to pay. He asks that this copy be delivered to him for the purposes that are convenient to him. Petition granted. The certified copy of the interrogatorio upon which Mrs. Daunoy was examined in the suit, Santiago Jacquelin vs. Luis Boistard, to collect a debt.

1st. Q. Is it not true that she owes the amount stipulated on page 1 and if it was not for her use?

A. It is true that the sum specified in the account presented on page 1 was provided for her use.

2nd. Q. If it is not true that her son always signed her notes and that he always attended to her affairs in the city and principally at this time?

A. It is true that her son signed for her in all her business affairs.

3rd. Q. Is it not true that Santiago Jacquelin wrote her a letter asking for the amount and she said she could not pay until the end of the year one thousand seven hundred and seventy, and that he has said nothing since that time.

A. All that the question contains is true.

4th. Q. Is it not true that the signature made by her son was in 1769, the date placed there being an error?

A. It is true that the date and the paper was made in 1769, and that there may have been a mistake in the date placed there before.

5th. Q. Is it not true that since this time a sale was made of some negroes without being constrained by the Court, the sale having taken place in the office of the Escribano, Juan B. Garic, with Mr. Malthieu (Matulich) as purchaser?

A. The contents of this question is true.

A certified copy dated November 23, 1771, of the petition and decree are to the effect that Luis Boistard asks to have Mrs. Daunoy summoned to answer the interrogatorio. Petition granted.

January 18, Nicolas Daunoy asks for a certified copy of the declaration made by his mother on page 5, and another he made in the suit for execution brought against her by Luis Beaurepos, to be filed with his proofs. Petition granted. The certified copy of the declaration made by Nicolas Daunoy, May 14, 1771, to the effect that the signatures on the notes presented by Luis Beaurepos are his, but that he signed in his mother's name, who had empowered him to do so, and to whom he must look for the payment of same. Catalina Daunoy in her declaration, says that it is true that she owes the sum stipulated to Luis Beaurepos.

January 18, Nicolas Daunoy asks for a certified copy of the interrogatorio, petition, decree and declaration on pages 29, 30, 31, in the suit, Jacquelin vs. Luis Boistard. Granted. He further asks for an interrogatorio, petition, decree and declaration on pages 41, 42, 43, to be filed with his proofs. The certified copy of the interrogatorio upon which Mr. Belaire is examined, in the suit Santiago Jacquelin vs. Luis Boistard:

1st. Q. Is it not true that Santiago Jacquelin wrote a letter to Mrs. Daunoy asking for his money?

A. Santiago (Hubert) Belaire, (Mrs. Daunoy's brother), yes it is true.

2nd. Q. Is it not true that she answered that she could not pay at that time, but that she hoped to pay at the end of the year?

A. Yes it is true.

3rd. Q. If it is not true that at this time Mrs. Daunoy sold 20 negroes without being constrained by the Court to do so?

A. Yes it is also true in its contents.

4th. Q. Is it not true that Mr. Jacquelin did not answer anything at the time that he asked Mrs. Daunoy for her reply?

A. It is true in its contents.

Santiago Jacquelin in the executory suit prosecuted against Luis Boistard, answers as follows:

1st. Q. Is it not true that he has never recognized Mrs. Daunoy, nor her son as his debtors?

A. He has never known Mrs. Daunoy as his debtor, and has always held Mr. Boistard as his legitimate debtor.

2nd. Q. Is it not true that he sold his wooden planks, upon the levee at a half a real?

A. This question is false. All his planks that were sold at that time brought no less than 15 to 20 sols.

3rd. Q. Why did he sell them to his opponent for 15 sols?

A. He refers to what he has answered above.

4th. Q. Was he in New Orleans on January 24, 1768?

A. He was not in New Orleans on January 24, 1768, because he was at Port au Prince.

February 5, 1774, Nicolas Daunoy sums his case by referring to the various exhibits he has presented, proving that it is his mother, and not he, who owes for the cargo of the schooner "La Corneja." That he, personally, has contracted no debts on his own accounts. He was at that time a bachelor, and a minor, and had no property of his own, nor was he the manager of his mother's affairs. It was only that he signed for her, when entrusted by her, to buy what she needed. This has been proven by the testimony of Guillermo Boisseau, Santiago Toutant Beauregard and Carlos de la Chaise, and by his certificates of baptism and marriage. Besides Jacqueline has no right to claim the debt now, as he has already been paid by Luis Boistard, in the suit prosecuted against him. He asks that this case be excluded and that his opponent be condemned to pay costs caused or to be caused. This is sent to the plaintiff without prejudice.

After repeated delays, on October 19, 1774, Jacqueline answers, asking that the writ of execution, issued on page 6, be carried into effect, upon a debt of 400 pesos, which Santiago Beauregard owes Nicolas Daunoy, and that this sum be ordered deposited with the General Receiver, to satisfy his claim of 288 pesos, 4 reales, the one-tenth and costs. This request is ordered complied with by Unzaga, on Odoardo's advice, and the item of the deposit be made to appear in the records.

November 9, before Andres Almonester, as Escribano, and Fernando Rodriguez, Salomon Mallines and Bernardo Oson as witnesses, Joseph Ducros, Regidor Perpetuo and Depositario General, says that Santiago Beauregard has put in his possession a note obligating himself to pay by his hand 400 pesos when they will be due, to Nicolas Daunoy, at the conclusion of this cause in fulfillment of the order of the Court.

December 20, Unzaga, on Odoardo's advice rules: "That in order to better provide, let the present Escribano certify, upon looking over the records of the case in the Concursus of Creditors vs. Catherina Velars (Belaire, Mrs. Daunoy), for the existence and whereabouts of the property that she holds as her children's tutrix.

December 23, Andres Almonester certifies that in the records of the suit brought by the Concursus of Creditors against Dona Catalina Velars, it merely shows that they have granted her an extension of time, from July 27, 1770. By another folio there is another suit which was begun in the first days of April, 1771, by which Mrs. Daunoy was requested to give an account to her children of their estate, which she has administered as tutrix. Various suits were brought contesting it, and syndics were named for her creditors. An inventory and valuation was made of the existing property, by a decree of September 23,

1772, provided by the Governor General of this Province. The estate was adjudicated to Carlos Fabre, Carlos Lasoncher (Lajonchare), Nicolas Daunoy and Carlos Lapino (Loppinot), as the wedded husband of Cecilia Daunoy. The first three named being the sons of Catalina Velars, who accounted for their legitimate paternal property, as appears in most minute detail in the records to which he refers.

January 14, 1775, Unzaga, on Odoardo's advice rules: "Let the defendant be cited for the final sentence." This is delivered on February 22, 1775, in the presence of Joseph Fuche, Luis Andry, and Fernando Rodriguez, and is as follows: "Whereas; attentive to the merits of the proceedings, and from what results from them I must declare and do declare that the writ of execution issued on page 6, to have had no place in justice, and in consequence I revoke it, giving it for no effect. I absolve and liberate from it, the party against whom the writ of execution was issued, to whom the 400 pesos, put in deposit, is ordered delivered. I condemn to the costs of the proceeding the party demanding the seizure to whom is reserved the right to take action against Catalina Daunoy's own property or what she has under her administration. Let the taxation of the costs be made by the present escribano. This is my sentence, thus pronounced and ordered on the advice of the gentleman, my Lieutenant. Signed by Luis de Unzaga y Amezaga and Doctor Cecilio Odoardo."

Costs taxed at 441 reales, February 22, 1775.

(To be Continued)



